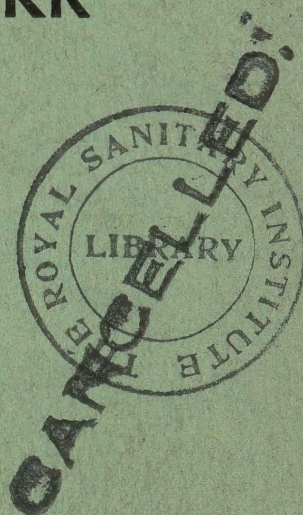


9851

THE SANITARY CODE
OF
THE CITY OF NEW YORK
INCLUDING REGULATIONS

As Amended to February 10, 1948



Together with an

APPENDIX

Containing Chapter 22 of the New York City Charter and Chapter 22 of the Administrative code of the City of New York which relate to the Department of Health, and selected provisions from other laws pertaining to health

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DEPARTMENT OF HEALTH OF THE CITY OF NEW YORK

WILLIAM O'DWYER*Mayor*

HARRY S. MUSTARD, M. D.*Commissioner*

Compiled by
CHRISTINE R. KEFAUVER
Departmental Counsel

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INTRODUCTORY NOTES

1. **Sanitary Code.** The Sanitary Code of The City of New York, then known as the "Sanitary Code of the Board of Health of the Department of Health of The City of New York", was generally revised and amended by the Board of Health December 31, 1914 and filed, as thus revised and amended, with the City Clerk of The City of New York on April 9, 1915 pursuant to the provisions of Section 1172 of the Greater New York Charter. Further amendments thereto were adopted by the Board of Health and filed with the City Clerk pursuant to the provisions of said section and, since January 1, 1938, pursuant to the provisions of Section 558 of the New York City Charter. Prior to January 1, 1938 the Sanitary Code constituted Chapter 20 of the Code of Ordinances of The City of New York. Chapter 929 of the Laws of 1937 "AN ACT to provide an administrative code for the city of New York in harmony with and supplemental to the New York city charter" which became law December 30, 1937, did not affect the Sanitary Code but as a result thereof it became a separate code. By the addition of a new Section 1 to the Sanitary Code, (adopted by the Board of Health on June 8, 1939) the Code was given the short title of the "Sanitary Code of The City of New York." Section 558 of the New York City Charter, entitled "Sanitary Code," reads as follows:

"Sec. 558. a. The sanitary code which is in force in the city on the date at which this charter takes effect and all existing provisions of law fixing penalties for violations of the code and all regulations of the board of health on file with the city clerk on the date when this charter takes effect shall continue to be binding and in force except as amended or repealed from time to time. Such code shall have the force and effect of law.

b. The board of health is hereby authorized and empowered from time to time to add to and to alter, amend or repeal any part of the sanitary code, and may therein publish additional provisions for the security of life and health in the city and confer additional powers on the department not inconsistent with the constitution or laws of this state or with this charter, and may provide for the enforcement of the sanitary code or any orders made by the commissioner or the board of health, by such fines, penalties, forfeitures and imprisonment as may be prescribed therein or otherwise by law.

c. The board of health may embrace in the sanitary code all matters and subjects to which the power and authority of the department extends, not limiting their application to the subject of health only.

d. Any violation of the sanitary code shall be treated and punished as a misdemeanor.* Pecuniary penalties for violations of the sanitary code may be recovered in a civil action before any justice or tribunal in the city having jurisdiction of civil actions.

e. No amendment or addition to the sanitary code or repeal of any provision thereof adopted by the board of health subsequent to the date of going into effect of this charter shall become valid and effectual until a copy of such amendment, addition or repeal duly certified by the secretary of the board be filed with the city clerk. Upon such filing the amendment or addition shall be part of the sanitary code and shall be published forthwith in the City Record by the city clerk.

f. The board of health may add, amend and repeal regulations in regard to any matter contained in the sanitary code, and such regulations when filed with the city clerk shall have the same force and effect as a provision of the sanitary code and shall be published forthwith in the City Record.

g. No action shall abate, or right of action already accrued be abolished, by reason of the expiration, repeal or amendment of any provision of the sanitary code or regulations in regard thereto."

2. **Board of Health.** The Board of Health is a part of the Department of Health of The City of New York and consists of the Commissioner of Health as Chairman and four members, at least two of whom must be doctors of medicine who have had not less than ten (10) years' experience in clinical medicine, public health administration or college or university public health teaching. These members are appointed by the Mayor for overlap-

*Under Section 102-c of N. Y. C. Criminal Courts Act, added by Ch. 278, L. 1943, magistrates have been empowered to try and punish violators of either Section 17, 213, 306, 227, 248 or 306 of the Sanitary Code "as for an offense, punishment for which shall be by a fine of not to exceed twenty-five dollars or by imprisonment for not to exceed ten days, or both."

ping terms of 8 years each and serve without compensation. The first four members were appointed for terms of 2-4-6 and 8 years respectively. The Department of Health of The City of New York has jurisdiction to regulate all matters affecting health in the city. Its authority, duties and powers extend over the city and over the waters adjacent thereto, within the jurisdiction of the city and within the quarantine limits as established by law. Unless otherwise provided by law, it is the duty of the Department to enforce all provisions of law applicable in the area under its jurisdiction for the preservation of human life, for the care, promotion and protection of health and relative to the necessary sanitary supervision of the purity and wholesomeness of the water supply and the sources thereof. The Commissioner of Health has all the powers and duties of the Department, except those vested by law in the Board of Health. (See Appendix "A"—Sections 553, 555 and 556 of the New York City Charter.)

3. Regulations. Many sections of the Sanitary Code make specific reference to regulations of the Board of Health. These regulations were adopted by the Board of Health and filed with the City Clerk. They have the same force and effect as a provision of the Sanitary Code (§558, Subd. f, New York City Charter). The Department of Health prints these regulations in pamphlet form for each section or subject. A copy of a particular section of the Sanitary Code and the regulations relating thereto, may be obtained upon application to the Secretary of the Department of Health, 125 Worth Street, Manhattan, N. Y. 13. In this edition of the Sanitary Code, all regulations appear immediately following the sections to which they apply.

4. Judicial Notice. Pursuant to the provisions of Section 982-8.0 of the Administrative Code of the City of New York, (as amended by Chapter 763 Laws 1939) all courts are required to take judicial notice of all laws contained in the Sanitary Code and of all regulations adopted by the Board of Health.

5. Old Code Numbers. Throughout this Code the letters S.C. followed by a section number, and printed in parenthesis at the end of a section, refer to the section number of the Code prior to the general revision, December 31, 1914.

THE SANITARY CODE
of
THE CITY OF NEW YORK
INCLUDING REGULATIONS

THE SANITARY CODE OF THE CITY OF NEW YORK AND REGULATIONS

- Article 1. Short title and definitions.
2. Animals.
 3. Births, fetal deaths and deaths.
 4. Buildings.
 5. Cold storage.
 7. Diseases.
 8. Drugs, devices and cosmetics.
 9. Food and drink.
 10. General provisions.
 11. Midwifery and care of children.
 12. Miscellaneous provisions.
 13. Offensive materials.
 14. Plumbing, drainage and sewerage.
 15. Railroad cars and other public vehicles.
 16. Street conditions.
 17. Trades, occupations and businesses.
 18. Vessels and aircraft.

ARTICLE 1

SHORT TITLE AND DEFINITIONS.

Section 1. Short title.

2. Definitions.

§1. Short title.

This Code shall be known and may be cited as the "Sanitary Code of The City of New York." (*Adopted June 8, 1939*).

§2. Definitions.

Unless otherwise expressly stated, whenever used in the Sanitary Code or in the regulations of the Board of Health relating thereto, the following terms shall be taken to mean and include:

1. "Ashes." Cinders, coal and every other substance which is left unconsumed by fire in stoves, furnaces, ranges, firepots, fireplaces, and other such places.

2. "Bakeries." All buildings, rooms, or places used or occupied for the purpose of making, preparing, or baking bread, biscuits, pastry, cake, doughnuts, crullers, noodles, macaroni, or spaghetti, to be sold or consumed on or off the premises, except kitchens in hotels, restaurants, boarding-houses, or private residences wherein such products are prepared to be used and are used exclusively on the premises.

3. "Board" and "said board." The Board of Health of the Department of Health of The City of New York.

4. "Boarding-house." Every building and part thereof other than a hotel, inn, or lodging-house, wherein meals or lodging, or both, may be obtained for hire (customarily by the week).

5. "Butcher." Whoever is engaged in the business of keeping, driving, or slaughtering cattle, or in selling any meat.

6. "Cattle." All animals, except birds, fowl, and fish, of which any part of the body is used as food.

7. "Cellar." Every basement or lower story of any building or house, of which said basement or lower story one-half or more of the height from the floor to the ceiling is below the level of the street adjoining, or the surface of the adjacent yard, court, or ground.

8. "Commissioner" or "Commissioner of Health." The Commissioner of Health of the Department of Health of The City of New York.

9. "Department." The Department of Health of The City of New York.

10. "Dirt." Natural soil, earth, gravel, sand, and loose pieces of broken stone.

11. "Factory" and "manufactory." Any mill, workshop, or other manufacturing or

business establishment, and all buildings, shops, and structures, or other places used therefor or in connection therewith, where one or more persons are employed at labor.

12. "Fish." Every part of any animal that lives in water or the flesh of which is not meat.

13. "Food." All substances, except drugs, used or intended to be used for human consumption, including meat, fish, vegetables, drink, confections, and condiments, whether simple, mixed, or compound.

14. "Garbage." Swill and every accumulation of both animal and vegetable matter, liquid, or otherwise, that attends the preparation, decay, and dealing in, or storage of, meat, fish, fowls, birds, or vegetables.

15. "Light" or "lighted." Natural, external light.

16. "Lodging-house." (*Subd. 16 repealed by resolution filed with City Clerk November 21, 1941 and published in The City Record November 24, 1941.*)

17. "Meat." Every part of any land animal, and eggs (whether mixed or not with any other substance).

18. "Permit." The permission in writing of the Board of Health, or the Commissioner of Health, issued according to the provisions of this code, of any statute, or of the regulations of the Board of Health.

19. "Person." Every individual, corporation, firm, and joint stock association.

20. "Physician." Every person who holds himself out as being able to diagnose, treat, operate, or prescribe for any human disease, pain, injury, deformity, or physical condition, and who shall either offer or undertake by any means or method, to diagnose, treat, operate, or prescribe for any human disease, pain, injury, deformity, or physical condition.

21. "Public laundry." Any place where articles are laundered for the general public for hire.

22. "Public place." Every street (as hereinafter defined), park, pier, dock and wharf, and every open space therewith connected; all waters within the jurisdiction of The City of New York; every public yard, ground, and area, every space open to the public between a building and the street, between buildings and between streets; all places of public assemblage, including every place of public worship, amusement, entertainment, or instruction, and every place where an appreciable number of persons gather for any purpose whatever, and every public room or space connected with, and every means of entrance to or exit from, any of the said places; all places and premises where goods, wares, and merchandise are sold or offered for sale, including all public rooms or places therewith connected; every railroad car, and every other public vehicle; every railroad depot, station, and platform, and every public room or space connected therewith, and every stairway and other means of entrance thereto or exit therefrom; every ferryboat and ferryhouse, and every public room or space connected with, and every means of entrance to or exit from, such ferryhouse.

23. "Refuse." Waste material other than rubbish, ashes, or garbage, that attends use or decay and accumulation from the occupancy of buildings or premises.

24. "Report." A report in writing, signed by the person who makes the same and indicating his official position, if any such position be held.

25. "Rubbish." Solid waste material, accumulating or resulting from the use or occupancy of buildings or premises, such as paper, straw, excelsior, rags, bottles, old clothes, old shoes, tin cans, and other materials of a similar character.

26. "Sanitary code." The Sanitary Code of The City of New York.

27. "Stable." Every building or portion thereof in which any horse, cattle, or other animal shall be kept.

28. "Streets." Avenues, public highways, sidewalks, gutters, and public alleys, lanes, and paths.

29. "Theatre." The building, room, and place, where any play, concert, opera, circus, trick or jugglery show, gymnastic or other exhibition, masquerade, public dance, or other public gathering, drill, lecture, address, or other form of public entertainment, amusement, or instruction are, is or may be, held, given, furnished, performed, or takes place, and every public room or space connected with, and every means of entrance to or exit from, any such place.

30. "Vegetable." Every article used for human consumption as food, other than meat, fish or milk.

31. "Milk." The whole, fresh, clean, lacteal secretion obtained by the complete milking of one or more healthy cows, properly fed and kept, excluding that obtained fifteen days before and five days after calving, or such longer period as may be necessary to render the milk practically colostrum free.

32. "Skimmed milk." The clean, pure, wholesome and unadulterated milk, from which substantially all milk fat has been removed.

33. "Cream." That portion of clean, pure, wholesome and unadulterated milk, rich in milk fat, which rises to the surface of milk on standing or is separated from it by centrifugal force, to which no substance whatsoever has been added, except milk or skimmed milk for the purpose of standardization.

34. "Condensed milk." The product resulting from the evaporation of a considerable portion of the water from clean, pure, wholesome and unadulterated milk, also commonly known as evaporated milk or concentrated milk, and when sugar (sucrose) has been added is commonly known as sweetened condensed milk, sweetened evaporated milk or sweetened concentrated milk.

35. "Condensed skimmed milk." The product resulting from the evaporation of a considerable portion of water from clean, pure, wholesome and unadulterated skimmed milk, also commonly known as evaporated skimmed milk or concentrated skimmed milk, and when sugar (sucrose) has been added is commonly known as sweetened condensed skimmed milk, sweetened evaporated skimmed milk or sweetened concentrated skimmed milk.

36. "Dried milk." The product resulting from the removal of the water from clean, pure, wholesome and unadulterated milk.

37. "Dried skimmed milk." The product resulting from the removal of the water from clean, pure, wholesome and unadulterated skimmed milk.

38. "Modified milk." The clean, pure, wholesome and unadulterated milk, which has been changed by the addition of water, sugar of milk, and other substance intended to render the milk suitable for infant feeding.

39. "Flavored milk." The product obtained by the addition of wholesome chocolate, cocoa or coffee syrup, true fruit, true fruit syrup, or other wholesome flavoring material approved by the Department, to wholesome and unadulterated fluid whole milk, and which product by its color is easily and clearly distinguishable from, and is not an imitation or semblance of, milk or cream. It shall contain not less than 3% butter fat. (*Subd. 39 amended by resolution filed with City Clerk August 13, 1942 and published in The City Record August 15, 1942.*)

40. "Flavored drink." The product obtained by the addition of wholesome chocolate, cocoa or coffee syrup, true fruit, true fruit syrup, or other wholesome flavoring material approved by the Department, to wholesome fluid skimmed milk, or to water and powdered skimmed milk or powdered whole milk, or to water and condensed skimmed milk or condensed whole milk, and which product by its color is easily and clearly distinguishable from, and is not an imitation or semblance of, milk or cream. (*Subd. 40 amended by resolution filed with City Clerk August 13, 1942 and published in The City Record August 15, 1942.*)

41. "Buttermilk." The product that remains when butter is removed from clean, pure, wholesome and unadulterated milk or cream in the process of churning.

42. "Cultured buttermilk." The product resulting from the souring of pure wholesome fluid skimmed milk with lactic culture or other milk cultures, or by treatment in any other manner satisfactory to the Board of Health.

43. "Homogenized milk." Milk which has been subjected to a treatment whereby its fat content will remain in such state of dispersion so that after 48 hours of quiescent storage, the percentage of butter fat in the upper one-tenth portion of one or more containers of milk will not exceed by more than 10% the percentage of butter fat in the remaining portion of milk in the container or containers. (*Subd. 43 amended by resolution filed with City Clerk March 17, 1944 and published in The City Record March 20, 1944.*)

44. "Malted milk." The product made by combining clean, pure, wholesome and unadulterated milk with the liquid separated from a mash of ground barley, malt and wheat flour, with or without the addition of sodium chloride, sodium bicarbonate and potassium bicarbonate, in such manner as to secure the full enzymic action of the malt extract and by removing water.

45. "Milk products." The products known as homogenized milk, Vitamin D milk and milk products, skimmed milk, cream, sour cream, buttermilk, cultured buttermilk, condensed milk, condensed skimmed milk, modified milk, fermented milk, fermented skimmed milk, ice cream mix, flavored milk and flavored drink. (*Subd. 45 amended by resolution filed with City Clerk August 13, 1942 and published in The City Record August 1942.*)

45a. "Milk products as used in sections or regulations pertaining to frozen desserts." The pure, clean and wholesome cream, butter, butter oil, milk, evaporated milk, skimmed milk, condensed milk, sweetened condensed milk, condensed skimmed milk, sweetened condensed skimmed milk, dried milk and dried skimmed milk. (*Subd. 45a added by resolution filed with City Clerk January 30, 1945 and published in The City Record January 31, 1945.*)

46. "Sour Cream." The pure, clean, wholesome and unadulterated cream which has been fermented by means of a lactic acid or other harmless milk culture, and which contains an acidity of more than two-tenths of one per cent (.2%) expressed as lactic acid. (*Subd. 46 added by resolution filed with City Clerk June 18, 1940 and published in The City Record June 21, 1940; effective September 1, 1940.*)

47. "Fermented milk." The product made by culturing wholesome and unadulterated milk with a culture of *Acidophilus*, Kefir, Yogourt, Kumiss or other commonly known cultures with or without the addition of pure, wholesome, unadulterated condensed milk, condensed skimmed milk, whole milk powder, skimmed milk powder, or butter oil. (*Adopted August 11, 1942 by resolution and filed with City Clerk and printed in City Record August 13, 1942, amended September 24, 1946.*)

48. "Fermented skimmed milk." The product made by culturing wholesome and unadulterated skimmed milk with a culture of *Acidophilus*, Kefir, Yogourt, Kumiss or other commonly known culture. (*Subd. 48 added by resolution filed with City Clerk August 13, 1942 and published in The City Record August 15, 1942.*)

49. "Cheese." The product of the dairy, usually known by that term, which is manufactured exclusively from pure, unadulterated milk, skimmed milk or cream, with or without coloring matter, salt, rennet, sage, olives, pimentos, walnuts, peanuts, tomatoes, celery salt, or onions, added thereto as a flavor; provided that when manufactured by adding to the elemental product of the dairy usually known by the term, "cheese," and manufactured exclusively from pure, unadulterated milk, skimmed milk or cream, any pimentos, olives, walnuts, peanuts, celery salt, tomatoes or onions, the percentage of all such substances so added shall not exceed twenty-five (25%) per centum in bulk of the manufactured product. (*Subd. 49 added by resolution filed with City Clerk August 13, 1942 and published in The City Record August 15, 1942.*)

50. "Butter oil." The clean, wholesome and unadulterated milk fat obtained from clean, wholesome, unadulterated milk, cream or butter which shall contain not less than ninety-nine per centum of milk fat. (*Subd. 50 added by resolution filed with City Clerk January 30, 1945 and published in The City Record January 31, 1945.*)

ARTICLE 2

ANIMALS

Section 3. Glanders, farcy, and other communicable diseases; duty of veterinarian to report; animals suffering therefrom not to be retained or exposed; destruction authorized.

4. Animals suffering from or exposed to communicable diseases not to be brought into or kept in city; exception.
5. Animals injured or diseased beyond recovery and abandoned, to be destroyed.
6. Animals injured or diseased past recovery, dead or affected with an infectious or contagious disease to be reported and removed.
7. Dead, sick, or injured animals; interference by unauthorized persons prohibited.
8. Dead, sick, or injured animals; conditions dangerous to life or detrimental to health prohibited.
9. Dead horses; to be tagged before placing in street.
10. Rabid and vicious animals; surrender, removal and destruction regulated; dog or other animal bites; Department of Health to be notified.
11. Horses, cattle, swine, sheep, geese, and goats; not to be kept or yarded without a permit.
12. Keeping of cows regulated.
13. Dairy animals to be tuberculin tested; tuberculin test certificate.
14. Cattle, adequate ventilation, proper food and water to be provided.
15. Cattle; method of transporting in vehicles restricted.
16. Shelter for homeless animals; site to be approved; conduct thereof regulated.
17. Dogs not permitted in any public place unless leashed.
18. Sale of small animals regulated.
19. Live rabbits, or poultry; the keeping, killing, and sale regulated.
20. Birds of psittacine family regulated; importation, breeding and sale prohibited; exception.
21. Horses to be tested for glanders.
22. Keeping of wild animals prohibited.

§3. Glanders, farcy, and other communicable diseases; duty of veterinarian to report; animals suffering therefrom not to be retained or exposed; destruction authorized.

(a) Every veterinarian who shall examine or professionally attend any animal in The City of New York affected with glanders or farcy, or any other communicable disease, shall

immediately upon the discovery that such animal is thus affected, report in writing to the Department of Health the location of such diseased animal, the name and address of the owner thereof, and the type and character of the disease.

(b) No person shall keep or retain, or cause or allow to be kept or retained, at any place in The City of New York, any animal affected with glanders or farcy, or any other communicable disease, but shall immediately upon his or her discovery that such animal is thus affected, report the fact and the location of such animal to the Department of Health.

(c) The Director of the Bureau of Preventable Diseases of the Department of Health shall cause every such animal to be promptly isolated or killed, and, if killed, the body thereof to be promptly removed and disposed of in such manner as he shall designate.

(S. C., §125; amended June 8, 1938.)

(Section 3, as amended, filed with City Clerk June 15, 1939 and published in *The City Record* June 17, 1939.)

§4. Animals suffering from or exposed to communicable diseases not to be brought into or kept in city; exception.

No cattle, swine, sheep, horses, dogs, or cats, which are affected with or have been exposed to any disease which is communicable among such animals, shall be brought into or kept in the City of New York. Provided, however, that the prohibition against the keeping of such affected or exposed animals in said city, shall not apply when such animals are under the care of a veterinarian duly licensed under the laws of the State of New York, or to a laboratory in which scientific research is conducted.

(Section 4, as amended, filed with City Clerk June 13, 1941 and published in *The City Record* June 14, 1941.)

§5. Animal injured or diseased beyond recovery and abandoned, to be destroyed.

Any animal, in any street or public place within or adjacent to the built-up portion of The City of New York, appearing, in the opinion of any officer or inspector of the Department of Health (and that of two citizens, requested by such officer or inspector to view, in his presence, the said animal), to be so injured or diseased as to preclude the possibility of such animal thereafter serving any useful purpose, and not being properly cared for, may, if not removed within one hour after being found in such condition by the said officer or inspector, be destroyed by or according to the direction of the said officer or inspector. (S. C., §129.)

§6. Animals injured or diseased past recovery, dead, or affected with an infectious or contagious disease to be reported and removed.

Any person owning or having in his charge or under his control an animal injured or diseased past recovery, or dead, and not killed for or proper for use as food, or affected with an infectious or contagious disease, in The City of New York, shall, immediately upon discovering or learning such fact, notify the Department of Health thereof, and shall, under the direction of the sanitary superintendent, an assistant sanitary superintendent, or the director of the bureau of infectious diseases, of the Department of Health, or an officer of the Police Department, remove or cause the removal of such animal to such place as such official shall designate. (S. C., §130.)

§7. Dead, sick, or injured animals; interference by unauthorized persons prohibited.

No person other than a police officer or an inspector or officer of the Department of Health, or other person authorized by law so to do, shall, in any way interfere with any dead, sick, or injured animal in any street or public place in The City of New York, except that the owner or person having control of such animal may terminate its life in the presence and by the consent of any such officer, inspector, or person. (S. C., §131.)

§8. Dead, sick, or injured animals; conditions dangerous to life or detrimental to health prohibited.

No person shall leave in or throw into any street or public place, or public water, in The City of New York, or offensively expose or bury, anywhere in the said city, the body (or any part thereof) of any dead, sick, or injured animal; nor shall any person keep any dead animal or any offensive meat, bird, fowl, or fish, in a place where the same may be dangerous to the life or detrimental to the health of any person. (S. C., §128.)

§9. Dead horses; to be tagged before placing in street.

All dead horses, before being placed in the street, must bear a tag giving the name and address of the owner thereof and the stable from which the horse is removed. At twilight, if such dead horse has not been removed, there shall be placed by the owner, conspicuously, immediately in front thereof, suitable and sufficient lights, properly protected, which shall

be kept burning during the night until such dead horse has been removed; and no person shall interfere with, obstruct, or remove such light until such horse is removed. (S. C., §126; amended July 2, 1923.)

§10. Rabid and vicious animals; surrender, removal and destruction regulated; dog or other animal bites; Department of Health to be notified.

1. Every animal that is mad or rabid shall at once be killed by a representative of the Department of Health, a police officer, or other authorized person or agency. Every animal which is found upon examination by a veterinarian of the Department of Health to be rabid shall be surrendered to the Department of Health by the person owning or having possession thereof and shall be destroyed by the Department of Health.

2. Any dog or other animal which has been designated vicious by the Department of Health, as determined by veterinary examination, shall be surrendered to the Department of Health by the person owning or having possession thereof and shall be destroyed by the Department of Health.

3. Any dog or other animal which has bitten a person or various persons on three (3) separate occasions, with or without provocation real or imaginary, where the bite in each instance was of sufficient severity so that medical treatment was required by the person bitten, shall be surrendered to the Department of Health by the person owning or having possession thereof and shall be destroyed by the Department of Health. Where the notification pursuant to subdivision 7 of this section was received from a hospital or physician, no further proof that medical treatment was required shall be necessary.

4. Any person killing an animal that is mad or rabid and any person having knowledge of an animal that has died of rabies or is suspected of having died of rabies, shall immediately notify the Department of Health of the location of the body of said animal. The body of any animal killed because it was mad or rabid or which died of rabies or is suspected of having died of rabies shall be surrendered to the Department of Health.

5. Every veterinarian having knowledge of and every person owning or having possession of an animal suspected of rabies, or which has been bitten by a rabid animal or which has come in contact or consorted with a rabid animal, or which has been harbored in the same part of any premises, home, apartment or kennel with a rabid animal, shall confine and isolate such animal in some secure place and shall immediately notify the Department of Health by telephone of the place where such animal is confined and shall surrender such animal to the Department of Health.

6. Every animal known to have been bitten by a rabid animal or which has come in contact or consorted with a rabid animal, or which has been harbored in the same part of any premises, home, apartment or kennel with a rabid animal, shall be destroyed by the Department of Health or kept isolated and under quarantine for six (6) months in a veterinary hospital approved by the Department of Health.

7. Where any person is bitten by a dog or other animal subject to rabies, such person, his parent or guardian if he is a minor, the owner of the animal or the person having possession or control thereof, the person who treats the bite, and any veterinarian having knowledge of such bite shall immediately notify the Department of Health. Furthermore, the person owning or having possession of the animal shall immediately deliver the animal to the Department of Health for examination and observation at such place as may be designated by the Department of Health. After a preliminary examination the animal may be returned to the custody of the person from whom it was received pending further examination and observation at a future date designated by the veterinarian of the Department of Health, on which date the animal shall again be delivered to the Department of Health. At the termination of the period of observation determined by the veterinarian of the Department of Health, the animal shall be released to the person from whom it was received unless it is found to be rabid or vicious or is suspected of being rabid or vicious or is otherwise subject to destruction pursuant to this section.

8. It shall be unlawful to remove any dog or other animal to which the provisions of this section apply, or the body of any such dog or other animal, except as herein provided.

(Amended October 9, 1934, March 8, 1938, May 9, 1939, repealed and reenacted January 14, 1941, amended May 18, 1944 and June 11, 1946.)

§11. Horses, cattle, swine, sheep, geese, and goats; not to be kept or yarded without a permit.

No horses shall be yarded and no cattle, swine, sheep, geese, or goats, shall be kept or yarded within or adjacent to the built-up portions of The City of New York, without a permit issued therefor by the Board of Health. (S. C., §73.)

REGULATIONS GOVERNING THE YARDING OF HORSES, CATTLE, SWINE, SHEEP, GEESE AND GOATS, ADOPTED MARCH 30, 1915, EFFECTIVE APRIL 1, 1915

Regulation 1. Where Yarded. No horses, cattle, swine, sheep, geese or goats shall be yarded within or adjacent to the built-up portions of The City of New York, except when kept upon premises immediately abutting a slaughter house.

Regulation 2. Yards to be fenced in. Yards shall be enclosed by a suitable and properly constructed fence, so as to prevent animals from roaming at large.

Regulation 3. Yards to be kept clean. Yards shall be properly graded and drained and shall be kept clean and sanitary at all times.

§12. Keeping of cows regulated.

No cows shall be kept in The City of New York without a permit issued therefor by the Board of Health or otherwise than in accordance with the terms of the said permit and with the regulations of said board. (S. C., §72.)

REGULATIONS GOVERNING THE KEEPING OF COWS AND COW STABLES WITHIN THE CITY OF NEW YORK WHERE MILK IS PRODUCED AND PREPARED FOR SALE WITHIN THE CITY OF NEW YORK. RELATING TO SECTION 12, SANITARY CODE

Regulation 1. Construction of Floors. Floors of all cow stables must be constructed throughout of cement and must be so graded as to discharge all drainage into properly trapped sewer connected drains. Where no sewer is provided the drains must discharge into properly constructed cesspools. The floor opening of each drain shall be covered by a suitable metal strainer.

Regulation 2. Construction of Gutters. All manure gutters shall have a depth of at least 6 inches at all points, and shall be constructed of cement and properly graded and drained.

Regulation 3. Floors and spaces behind cows. In all stables which are so constructed that the cows stand tail to tail, there shall be a space of at least 6 feet between the nearest edges of the opposite manure gutters. The floors and all of the spaces behind the cows shall be at least as high as the floors of the cow beds.

Regulation 4. Cow beds. The cow beds shall be constructed of such a length that all excreta will naturally fall into the gutters.

Regulation 5. Flushing of floors and cow beds. All floors and cow beds must be flushed with water at least once each day, and must at all times be kept in a cleanly condition.

Regulation 6. Construction of walls and ceilings. The walls and ceilings must be smoothly finished to prevent the collection of dust and dirt.

Regulation 7. Whitewashing or painting of walls, ceiling, and ledges. The walls, ceilings, and ledges must be properly whitewashed, or painted with some light colored waterproof paint, or else constructed of smooth cement or other similar material. They shall at all times be kept clean and free from dust, dirt, and cobwebs. In all stables hereafter constructed, the ceiling, sidewalls, and other woodwork shall be built of dressed material.

Regulation 8. Size of stable. The stables shall be of sufficient size to provide 600 cubic feet of air space for each cow. There shall be at least four square feet of window light for each 600 cubic feet of airspace, and the windows shall be so situated as to afford an equal distribution of light throughout the entire stable.

Regulation 9. Window panes to be kept clean. The window panes must be kept clean.

Regulation 10. Adequate means of ventilation to be provided. The stable shall be provided with adequate means of ventilation of an approved automatic or gravity system, allowing thirty square inches of intake flues per 600 cubic feet of air space, and at least forty square inches of outlet flues per 600 cubic feet of air space.

Regulation 11. Ventilation. The ventilation of the stable must be such that the air will be kept fresh and sweet.

Regulation 12. Interior constructions of wood prohibited. In all stables hereafter constructed, or buildings altered to be used as stables, there shall be no interior construction of wood other than the walls and ceiling. All stanchions, racks, and supports must be of smooth round metal.

Regulation 13. Water supply. All stables shall be provided with a suitable water supply, conveniently located and sufficient for all purposes.

Regulation 14. Rubbish, refuse not to accumulate. No rubbish, refuse, or material foreign to its proper maintenance shall be kept or allowed to remain in a cow stable.

Regulation 15. Disposal of liquid excreta. All liquid excreta shall be discharged through a proper connection into a sewer or properly constructed cesspool, or must be absorbed by some suitable material.

Regulation 16. Removal of manure. Manure must be removed from the stable as often as may be necessary, to prevent the creation of a nuisance or the discharge of offensive odors. Upon its removal from the stable, manure must be immediately taken from the premises or else stored in boxes provided for that purpose and must be removed from such boxes daily.

Regulation 17. Construction of manure boxes. Manure boxes constructed of cement and furnished with closely fitting metal lined covers shall be provided of sufficient capacity for the needs of the stable.

Regulation 18. Storing of brewers' grains. Whenever wet brewers' grains are used for feeding cattle, such grains must be kept in cement boxes or pits. The floors of such grain pits must be so graded as to discharge drainage into properly trapped drains that are connected with a sewer or cesspool. The doors of all grain pits must be tightfitting, and lined with sheet metal on the inside. There shall be no direct opening from a grain pit to the stable.

Regulation 19. Surface of ground in front of grain pits to be covered. The surface of the ground in front of all grain pits and manure boxes must be covered with cement over a stone foundation for a space of at least fifteen feet wide and twenty feet long. This surface must be so graded as to discharge all drainage into a centrally located, properly trapped sewer, or cesspool connected drain.

Regulation 20. Stable barnyards to be provided. Connected with all stables in which milk is produced for sale in New York City, there shall be suitable barnyards or exercise paddocks, and except during extremely inclement weather, the cows shall be turned out of the stable for exercise at least three hours each day.

Regulation 21. Premises surrounding stable. The premises surrounding the stable and milk house shall be so graded as to prevent the accumulation of surface water and shall be maintained in a clean and dry condition, and free from rubbish, garbage, or other objectionable matter.

Regulation 22. Saturated ground, cesspool, manure pit, and hog-pen. No stagnant water, soggy, or water or sewer saturated ground, uncovered cesspool, or uncovered manure pit shall be maintained on the premises, or adjacent thereto, nor shall any hog-pen be maintained within fifty feet of any cow stable or milk house.

Regulation 23. Location of privy. No privy shall be maintained within fifty feet of a cow stable or milk house. All privies on premises shall be constructed with watertight vaults. All seats of privies shall be provided with automatically closing tight covers. All privies must be maintained in a clean and sanitary condition at all times.

Regulation 24. Wagons used for transportation of manure. All wagons used for the transportation of manure and brewers' grain shall, if kept on the dairy premises, be maintained in a cleanly condition, and shall be kept covered with clean and suitable canvas or tarpaulin.

Regulation 25. Animals other than cows to be excluded from stable. All animals other than cows shall be excluded from the stable and no part of the stable shall be used for living or domestic purposes or human habitation.

§13. Dairy animals to be tuberculin tested; tuberculin test certificate.

1. No cow or other bovine dairy animal or other specie of milk animal, intended for any purpose other than immediate slaughter, shall be brought into the City of New York, or held, kept, sold or offered for sale in said City, unless such animal is accompanied by a tuber-

culin test certificate, filled out and signed by a duly licensed or accredited veterinarian whose work is acceptable to the Department of Agriculture of the State of New York and to the Department of Health of the City of New York.

2. The animal described in the tuberculin test certificate must be from a herd under official supervision by a State or Federal agency having jurisdiction over bovine tuberculosis eradication. The said certificate shall be in the handwriting of the veterinarian and shall contain:

(a) A physical description of the animal sufficiently accurate and distinctive for the purpose of identification.

(b) A number which must correspond with the number on the metal tag that shall have been securely attached to and be on the ear of the animal, or with the tattooed number within the ear of the animal.

(c) The name of the tuberculin test performed.

(d) The date of the tuberculin test and physical examination, which must not be more than 60 days prior to the time that the animal is brought into the City.

(e) The time of the injection of the tuberculin.

(f) The address of the veterinarian performing the test.

(g) The total number of animals in the particular lot which were tested, the number reacting and the number of animals passed.

(h) The name and address of the last owner, other than a cattle dealer, who was subject to official supervision by a State or Federal agency having jurisdiction over bovine tuberculosis eradication.

(i) A statement that he has made a physical examination of and a tuberculin test on such animal, that the said animal is free from tuberculosis so far as may be ascertained by physical examination and the application of a tuberculin test, and that the animal is also free from any infectious or communicable disease or any physical defect which might affect the quality of the milk so far as may be ascertained by physical examination.

3. The procedures for making the tuberculin test shall be in accordance with the regulations of the Board of Health adopted hereunder. (*Section 13, amended by resolution filed with City Clerk June 18, 1940 and published in The City Record June 21, 1940; effective September 1, 1940.*)

REGULATIONS

§13: Regulations 1-6: (*Adopted by resolution filed with City Clerk June 18, 1940 and published in The City Record June 21, 1940; effective September 1, 1940.*)

Regulation 1. Acceptable tuberculin tests. The following tuberculin test or combination of tests for dairy animals in accordance with the regulations herein shall be acceptable to the Department of Health.

(a) The intradermic tuberculin test made by the double injection method (caudal fold and vulva, or, in the case of males, caudal fold and anus).

(b) Subcutaneous tuberculin test (temperature test).

(c) Ophthalmic tuberculin test when used in combination with the intradermic or subcutaneous tuberculin tests.

All animals to be tested shall be stabled under usual, normal conditions and a careful physical examination shall be made before the application of the tuberculin test.

Regulation 2. Intradermic tuberculin test. The intradermic tuberculin test by the double injection method (caudal fold and vulva or, in the case of males, caudal fold and anus) shall be as follows:

(a) Dosage.—The dose of tuberculin recommended shall not exceed one (1) minimum as a single injection of intradermic tuberculin prepared for this purpose, and said amount is to be respectively and simultaneously injected into both the caudal fold and vulva or, in the case of males, the caudal fold and anus.

(b) Manner of application.—The injection in the vulva shall be made just under the mucous membrane of the vulva, about midway between the upper and lower commissures, and as close to the labial margin of the vulva as possible. The anal injection in the case of males shall be made just under the mucous membrane of the rectum as close as possible to the anal ring.

(c) Time of observation.—The first observation shall be made on or about the 72nd hour after the injection. If reactors are revealed, a second observation shall be made between the 96th and 150th hour on the other animals in the herd being tested when deemed advisable in the judgment of the veterinarian. Reactions to the double intradermic test may be reported by means of the codes in use by the Federal or State authorities where the test is made.

Regulation 3. The subcutaneous tuberculin test.—The subcutaneous tuberculin test (temperature test) shall be as follows:

(a) Dosage.—The dose for calves up to one year of age shall be 2 cubic centimeters (.25 gram O.T.), and for cattle more than one year of age 4 cubic centimeters (.5 gram O.T.). Repeatedly tested animals or those clinically suspicious or animals being check tested shall receive larger doses, up to 10 cubic centimeters.

(b) Manner of application.—

1. No animal having a temperature above 103 degrees Fahrenheit or showing evidence of any acute disease or condition which may affect the accuracy of the test shall be injected with tuberculin.

2. Three pre-injection temperatures shall be taken at intervals of two (2) hours, the first pre-injection temperature to be taken not less than four (4) hours prior to the injection. The first post-injection temperature shall be taken not less than the sixth hour after injection, and the temperature shall be taken at intervals of not more than two (2) hours thereafter, continuing up to and including the 18th hour.

3. Where the temperature of any animal at the 18th hour shows a rise above the highest temperature of the pre-injection temperatures, or any irregular temperature, and the increase is not sufficient to classify the animal as a reactor, the temperature readings of such animal must be continued until a definite decision can be reached.

4. Temperature readings of animals that have had repeated injections of tuberculin, must be continued for a period of at least twenty-four (24) hours after injection.

5. The subcutaneous tuberculin test shall not be applied to any dairy animal more often than once a year.

(c) Interpretation of test.—

1. A rise of 2 degrees Fahrenheit over the highest pre-injection temperature, or a temperature above 103.8 degrees Fahrenheit and, in addition, a temperature between 103 degrees Fahrenheit and 103.8 degrees Fahrenheit shall be considered a reaction, provided the temperature reaction shows the characteristic "rainbow curve" or when the "rainbow curve" is replaced by a line formation commonly termed by veterinarians as "plateau."

2. The presence of a general systemic reaction or a typical "rainbow curve" or "plateau" as well as herd history should be considered in determining the classification between reactors and non-reactors.

3. The interpretation of the "temperature curve" or "plateau" shall be left to the discretion of the veterinarian making the test, subject to the approval of the Department of Health.

Regulation 4. Ophthalmic tuberculin test. The ophthalmic tuberculin test when used in combination with the intradermic or subcutaneous tuberculin test shall be made as follows:

(a) Dosage.—The dose for this test shall be the standard ophthalmic dose.

(b) Manner of application.—

1. Animals shall first be sensitized by an application of ophthalmic tuberculin to the conjunctival sac.

2. When made in combination with the intradermic tuberculin test, this sensitization shall be done at the same time as the intradermal tuberculin is injected. The second or diagnostic instillation of the ophthalmic tuberculin shall be made on the date of the reading of the intradermic test.

3. When made in combination with the subcutaneous test, the sensitization shall be made forty-eight (48) hours prior to the reading of the first post-injection temperature. The diagnostic instillation shall be inserted at the time of the first post-injection temperature reading.

(c) Time of observation.—In both of these combination tests, the ophthalmic observation shall begin the second hour after the instillation of the diagnostic tuberculin and continue at least every two (2) hours thereafter for a period of eight (8) hours or longer if necessary. Ophthalmic reactions may be recorded by means of the codes in use by the Federal or State authorities where the test is made.

Regulation 5. When combination tuberculin tests must be made. The Department of Health through its agents may, in its discretion, order an ophthalmic tuberculin test in combination with the intradermic or subcutaneous tuberculin tests in specific cases.

Regulation 6. General Provisions.—

(a) Where any form of tuberculin is used or prescribed in these regulations, it must be taken from an uncontaminated package, and the use thereof

after the expiration of the time limit of use specified on the label of the package is prohibited. All unused tuberculin in a broken package shall be destroyed.

(b) In the case of any herd which is found, when tested in accordance with these regulations, to be free from tuberculosis, the next general test of the herd shall be made within the time specified by the various Federal-State agencies having jurisdiction over tuberculin testing in that State.

(c) Any herd in which one or more reactors shall have been found shall be retested with tuberculin within sixty (60) days, and every reacting animal shall be segregated immediately.

(d) A full report of each test shall be made on a chart acceptable to the Department of Health, which chart shall state:

1. Where the test was made,
2. The kind and quality of the tuberculin used in the test,
3. The dates and hours when injections and observations were made and/or the temperatures were taken.
4. A distinctive identifying description of the animal tested, and
5. The number of the tag attached to the animal.

Said report shall be duly signed by the veterinarian making the test and submitted to the Department of Health for filing.

§14. Cattle; adequate ventilation, proper food and water to be provided.

No cattle shall be kept in any place, in The City of New York, where the ventilation is not adequate, and the water and food are not of such quality and in such condition as to properly preserve their health, condition, and wholesomeness for food. (S. C., §71.)

§15. Cattle; method of transporting in vehicles restricted.

No cattle shall be placed or carried while bound or tied by the legs, or bound down by the neck, in any vehicle in The City of New York, but shall be allowed to freely stand in such vehicle when transported and while being therein. (S. C., §77.)

§16. Shelter for homeless animals; site to be approved; conduct thereof regulated.

No shelter for homeless animals shall hereafter be opened or established in The City of New York unless the site therefor be first approved by the Board of Health; and no such shelter shall be conducted in said city without a permit therefor issued by the said Board or otherwise than in accordance with the terms of said permit and with the regulations of said Board. (S. C., §81a.)

REGULATIONS GOVERNING ESTABLISHMENTS FOR SHELTERING HOMELESS ANIMALS, ADOPTED MARCH 30, 1915; EFFECTIVE APRIL 1, 1915

Regulation 1. Location. No site for a shelter for homeless animals shall, on or after April 1, 1915, be approved in any Borough of the City of New York when said proposed site is in the built-up portions of the City or within 200 feet of any inhabited dwelling, tenement house, manufactory, office building, church, hospital, public or private school, or other institution of learning.

Regulation 2. Floors. The floors of every shelter for homeless animals shall be smooth, water-tight, and preferably of non-absorbent material and shall be kept clean, sanitary and in good repair. The floors, when required, shall be graded and drained into properly trapped, sewer connected drains, or, if there be no sewer to which said premises can be connected, a properly constructed watertight cesspool, or a leaching cesspool constructed under and by virtue of the terms of a permit issued by the Department of Health shall be provided.

Regulation 3. Walls. Walls of every such establishment shall be of smooth, hard material, and shall be kept in good repair, and painted when so ordered by the Department.

Regulation 4. Light. All rooms or places used as such shelter shall be properly and adequately lighted.

Regulation 5. Ventilation. Suitable and adequate means of ventilation to the external air shall be provided.

Regulation 6. Sinks and running water. Suitable sinks with running water shall be provided, and if required by the Department of Health running hot water and hose connections shall also be provided.

Regulation 7. Cages. When animals are kept in cages, such cages shall be of metal construction with floors of metal, cement, or of some other smooth, watertight construction; such floors shall be covered with sawdust, or

other material approved by the Department of Health for absorbing all liquid discharges of such animals; such cages shall be cleaned daily, and the sawdust or other material used on floor of such cages, removed therefrom, kept in covered metal receptacles, removed from the premises daily and so disposed of as not to cause or create a nuisance; all cages shall be movable and so arranged as to be readily accessible for the cleaning thereof and for the cleaning of the surrounding spaces.

Regulation 8. Maintenance. Every such establishment shall be kept clean and wholesome and be so conducted as not to be offensive or prejudicial to life or health.

Regulation 9. Nuisance of noise or odors forbidden. Every such establishment shall be so conducted as not to become a nuisance by reason of the noise of the animals kept therein, or by escape of offensive odors therefrom.

***§17. Dogs to be effectively leashed and restrained; additional provisions for rabies-infected areas.**

1. No dog shall be permitted at any time to be on any street or in any public park or public place or upon any open unfenced area or lot abutting upon a street, public park or public place in the City of New York, unless effectively restrained by a chain or leash not exceeding 6 feet in length.

2. Whenever the Board of Health shall, by resolution filed with the City Clerk and published in The City Record, declare an area within the City of New York to be a rabies-infected area, any dog found in any place described in subdivision 1 of this section within such area and not restrained as required by such subdivision 1 shall be seized by the Department of Health, its employees or agents, and kept isolated for 48 hours. At the expiration of that time the dog shall be destroyed unless provision shall have been made by its owner for isolation and quarantine of the dog for a period of six months in a place approved by the Department of Health. If, however, prior to the destruction of the dog or the expiration of the quarantine the owner or person in control of the dog shall have been given the opportunity for a hearing before a Court and said Court shall determine that the dog did not come in contact with any other animal while not restrained as required by subdivision 1 of this section, then the Court may direct the restoration of the dog to the owner without, however, affecting the liability of the owner for violation of subdivision 1 of this section.

3. The provisions of subdivision 2 of this section relating to isolation and quarantine or destruction of a dog shall not apply if the dog has been vaccinated against rabies with a vaccine and in a manner approved by the Department of Health more than six weeks and not more than one year before seizure.

4. A dog isolated and kept in quarantine in accordance with subdivision 2 may be released from such isolation and quarantine six weeks after vaccination against rabies with a vaccine and in a manner approved by the Department of Health. This provision shall not be construed to alter or affect subdivision 6 of Section 10 of the Sanitary Code. (S. C., §80a; *Amended Dec. 11, 1934, Nov. 14, 1941, Aug. 11, 1942, Feb. 13, 1945, April 9, 1946 and Jan. 14, 1947.*)

§18. Sale of small animals regulated.

No person shall sell or keep for sale at any place in The City of New York any dogs, cats, birds, or other small animals, without a permit therefor issued by the Board of Health or otherwise than in accordance with the terms of said permit and with regulations of said board. (S. C., §80.)

REGULATIONS GOVERNING THE KEEPING FOR SALE OF BIRDS OR SMALL ANIMALS

Regulation 1. Applications to specify kinds of birds or small animals. The application shall specify the kind or kinds of small animals, for the sale of which a permit is desired.

Regulation 2. Light and ventilation. The premises where the small animals are to be kept shall be properly and adequately ventilated to the external air and provided with sufficient natural light.

Regulation 3. Sink and drainage. An adequately flushed, properly trapped, sewer or cesspool connected sink, readily accessible to the portion or portions of premises in which the small animals are kept, shall be provided.

Regulation 4. Cages. Cages in which birds or other small animals

*Section 102-c of N. Y. C. Criminal Courts Act, added by Ch. 278, L. 1943, and amended by Ch. 197, L. 1947, empowers magistrates to try and punish violators of this section "as for an offense, punishment for which shall be by a fine of not to exceed twenty-five dollars or by imprisonment for not to exceed ten days, or both."

are kept shall be constructed of wire with metal floor, provided, however, cages in which dogs are kept the floors thereof may be of light wood construction, covered with an adequate amount of sawdust or other absorbent material. Such cages shall be constructed and arranged that all their parts can be readily cleaned. Individual cages shall be provided for dogs and cats over three months old, and each such dog and cat on the premises must be kept or harbored in an individual cage and at no time shall there be any commingling or consorting of these animals while on the premises. (*Amended February 11, 1941.*)

Regulation 5. Maintenance. The premises, implements, cages and appurtenances shall be kept clean and sanitary.

Regulation 6. Living rooms not to be used for sale of birds or small animals. No living room, or room in which food or drink intended for human consumption is prepared, sold, handled or stored, shall be used for the keeping for sale of birds or small animals.

Regulation 7. Records of purchases and sales of all animals to be kept. A record book shall be kept in which an entry shall be made immediately of every dog and cat purchased, sold, boarded or kept on the premises, giving the name and address of the person from whom the animal was bought, to whom the animal was sold, or for whom the animal is boarded and kept, as the case may be, together with an accurate description of the animal, including the age, sex and breed. The required records shall be legibly written in English and the book containing such records shall be preserved and be open for inspection by a representative of the Department of Health. (*Adopted February 11, 1941.*)

§ 19. Live rabbits or poultry; the keeping, killing, and sale regulated.

No live rabbits or poultry shall be brought into, or kept, held offered for sale, sold or killed in, any yard, area, cellar, coop, building, premises, public market, or other public place, except premises used for farming in unimproved sections of the city, without a permit therefor issued by the Board of Health, or otherwise than in accordance with the terms of said permit and with the regulations of said board.

The word "poultry" as used herein shall be deemed to mean and include chickens, geese, ducks and other fowls or domestic birds used for food purposes. (S. C., §79; *amended April 3, 1933.*)

REGULATIONS SECTION 19 REGULATIONS GOVERNING THE KEEPING OF LIVE RABBITS OR POULTRY

Regulation 1. Permit not necessary in unimproved sections. No permit from the Department of Health for the keeping of live rabbits or poultry is necessary in unimproved sections of the City used for farming purposes.

Regulation 2. Restrictions as to locations.

(a) No live rabbits or poultry shall be kept on the same lot with a tenement house.

(b) No permit for the keeping of live rabbits or poultry shall be granted when the said rabbits or poultry, or the coops or runways in which they are kept, measured in the most direct line are within 25 feet of any inhabited building other than the dwelling of the applicant; if said rabbits or poultry are to be kept or maintained on the same lot with the dwelling of said applicant or on an adjoining lot.

(c) If live rabbits or poultry are to be kept on a vacant lot, the written consent of the owner of said lot, or evidence of ownership thereof by the applicant, shall be produced at the time of the making of the application.

(d) No permit to keep live rabbits or poultry on the same lot with a building occupied by two or more families shall be granted unless the applicant file with his application the written consent of the other tenant or tenants of said building.

Regulation 3. Coops and runways. All live rabbits or poultry shall be confined to proper coops and runways and shall not be allowed at large.

Regulation 4. Roosters prohibited. Roosters are prohibited and no roosters shall be kept under any conditions.

Regulation 5. Maintenance of coops, etc. All coops shall be white-washed or otherwise treated, as approved by the Department of Health, at least once a year and at such other times as may be directed by the Department of Health; all coops, runways and surroundings shall be kept in a clean condition.

Regulation 6. Nuisance forbidden. Live rabbits or poultry shall be kept so as not to cause a nuisance.

Regulation 7. Slaughtering prohibited. A permit to keep live rabbits or poultry shall not include the right to slaughter.

REGULATIONS GOVERNING THE SALE OF LIVE RABBITS OR POULTRY

Regulation 1. Sale regulated. No live rabbits or poultry shall be sold in the City of New York except in coop or crate lots only.

Regulation 2. Sale regulated in the Borough of Manhattan. No live rabbits or poultry shall be sold in the Borough of Manhattan, except in (1) the location bounded by the North side of West 14th Street between 13th Avenue and Hudson Street, the East side of Hudson Street between West 14th Street and Gansevoort Street, and the North side of Gansevoort Street between Hudson and 13th Avenue, and the East side of 13th Avenue between West 14th Street and Gansevoort Street; (2) the location bounded by the South side of Beach Street between West Street and Hudson Street and the West side of Hudson Street between Beach Street and West Broadway, and the West side of West Broadway between Hudson Street and College Place, and the West side of College Place between West Broadway and Fulton Street, and the North side of Fulton Street between College Place and West Street, and the East side of West Street between Beach Street and Fulton Street.

Regulation 3. Sale regulated in the Borough of Brooklyn. No live rabbits or poultry shall be sold in the Borough of Brooklyn, except in the locality bounded by the South side of Flushing Avenue between Clinton Avenue and East Avenue, the East side of Clinton Avenue between Flushing Avenue and Wallabout Bay, the West side of East Avenue between Flushing Avenue and Wallabout Canal.

Regulation 4. Sale regulated in the Borough of The Bronx. No live rabbits or poultry shall be sold in the Borough of The Bronx, except on the southerly side of East 149th Street, from Whitlock Avenue eastward to the East River; and in the area bounded by the north side of East 149th Street, beginning at the bulkhead line of the Harlem River, extending eastward to the west side of River Avenue, then northward to the tracks of the New York Central and Hudson River Railroad, then northwesterly to the intersection of the said tracks with the south side of East 157th Street, then westward to the Harlem River bulkhead line and then southward to the intersection of the said bulkhead line with the north side of East 149th Street. (*Amended August 9, 1927, April 3, 1933, June 19, 1934 and further amended January 11, 1938.*)

Regulation 5. Insanitary conditions and ventilation. Live rabbits or poultry shall not be handled, stored, or offered for sale or sold in any room which is dark, damp, poorly ventilated, dirty or insanitary.

Regulation 6. Lighting. All rooms in which live rabbits or poultry is handled, stored, or sold, shall be properly and adequately lighted so that all parts thereof may be readily inspected.

Regulation 7. Construction of floors. Floors shall be constructed of cement, concrete or other approved water-tight non-absorbent material so graded and drained as to discharge all liquid matter into properly trapped sewer-connected drains. Floors shall be kept clean and sanitary at all times and shall be scrubbed and flushed at the close of business each day. (*Amended April 3, 1933, and further amended June 19, 1934, effective September 17, 1934.*)

Regulation 8. Walls and ceilings. Walls and ceilings shall be of smooth, hard material and must be kept clean and sanitary and in good repair, and shall be painted as frequently as may be required by the Department of Health.

Regulation 9. Water supply. An adequate supply of running water shall be provided.

Regulation 10. Returned crates or coops not to be stored on premises. Returned crates or coops shall not be stored on the premises so as to cause a nuisance.

Regulation 11. Rabbits or poultry at large prohibited. Rabbits or poultry shall not be allowed at large on the premises.

Regulation 12. Adequate toilet facilities to be provided. Adequate and properly located toilet facilities shall be provided. Water closets shall be kept clean and sanitary and in good repair.

Regulation 13. No live rabbits or poultry to be sold except to those holding permits to handle. No live rabbits or poultry, in crate or coop lots, shall be sold to any person unless such person is authorized to handle and deal in live poultry by permit granted for that purpose by the Board of Health, or has received written permission, to transport live rabbits or poultry through the City of New York, from the Director of the Bureau of Food and Drugs. (*Adopted by the Board of Health July 24, 1923, and amended April 3, 1933.*)

Regulation 14. No diseased or sick rabbits or poultry to be kept, etc. No rabbits or poultry, which are diseased, sick or unfit for human consumption, or which have died otherwise than by slaughter, shall be brought into the City of New York, or held, kept, sold or offered for sale therein. (*Amended April 3, 1933, and further amended June 19, 1934, effective September 17, 1934.*)

Regulation 15. Coops, crates, etc., to be kept clean. No coop, crate or basket shall be used for the keeping, storing or transporting of poultry in the City of New York, which is unclean or in a condition that would evidence the fact that said coop, crate or basket was not cleaned and scraped before said poultry was placed therein. (*Amended April 3, 1933, June 6, 1933, and further amended June 19, 1934, effective September 17, 1934.*)

§20. Birds of psittacine family regulated; importation, breeding and sale prohibited; exception.

(a) No person shall bring into the City of New York, or offer for sale, give away, or breed in said City, parrots, parrakeets, love birds, macaws, cockatoos, lories, lorikeets and other birds of the psittacine family. Provided, however, that zoological gardens operated under public authority or laboratories in which scientific research is being carried out, may receive or import birds of the psittacine family in accordance with the regulations of the Board of Health.

(b) All birds having psittacosis or which are suspected of being carriers of psittacosis virus, and all birds of the psittacine family exposed to a bird having psittacosis or found or harbored on the same premises where infection with psittacosis virus is discovered or suspected, shall be immediately destroyed.

(c) On and after August 15, 1939, no dealer in birds shall keep, harbor or have in his possession any bird of the psittacine family. (*Section 20, as amended, filed with City Clerk June 16, 1939 and published in The City Record June 20, 1939.*)

REGULATIONS

§20: Regulations 1-3. (*As added, filed with City Clerk April 14, 1938 and published in The City Record April 16, 1938; effective April 30, 1938.*)

Regulation 1. Health certificate to accompany each shipment. Every shipment of birds of the psittacine family to a zoological garden operated by public authority or to a laboratory in which scientific research is being carried out shall be accompanied by a certificate from the health authority of the state or country or governmental official of the country, from which shipped, certifying that the birds contained in the shipment have originated from an aviary, distributing establishment, or locality free from psittacosis infection. Such certificate shall be filed with the Department of Health immediately upon receipt of the birds. No such shipment of birds shall be received or accepted unless accompanied by such certificate.

Regulation 2. Isolation of birds with psittacosis. All birds suffering from or suspected of having psittacosis shall be immediately isolated and a report forwarded to the Department of Health.

Regulation 3. Psittacine birds not to be harbored with other birds. No birds of the psittacine family received after these regulations take effect shall be caged with birds of any other specie.

§21. Horses to be tested for glanders.

No horse shall be brought into or kept in The City of New York unless it shall have been tested and found to be free from glanders by a duly licensed veterinarian, in accordance with the regulations of the Board of Health. (*Adopted Dec. 28, 1917.*)

REGULATIONS GOVERNING THE EXAMINATION AND TESTING OF HORSES FOR GLANDERS, ADOPTED BY THE BOARD OF HEALTH DECEMBER 28, 1917

Regulation 1. Horses brought into the city to be accompanied by

certificate. No horse shall be brought into the City of New York which has not, within sixty days, been tested with ophthalmic mallein by a duly licensed veterinarian and found to be free from glanders. Every such horse, at the time of admission into the City of New York, shall be accompanied by a certificate stating that said horse is free from glanders so far as may be ascertained by a physical examination and the application of the ophthalmic mallein test. Such certificate shall be filed with the Department of Health within forty-eight hours and shall be in accordance with the form prescribed in Regulation 3 hereof.

Regulation 2. Horses in the City of New York to be tested. Every horse in the City of New York shall within ninety days after the adoption of this Regulation be tested by a duly licensed veterinarian or a veterinarian of the Department of Health of the City of New York to determine its freedom from glanders. Every such veterinarian after completing such test and finding such horse free from glanders shall, within five days thereafter, file a certificate with the Department of Health of the City of New York upon forms issued or approved by said Department.

Regulation 3. Certificate. The certificate issued by the licensed veterinarian performing the tests in accordance with Regulations 1 and 2 hereof shall contain the following information:

- a. Date of examination.
- b. A physical description of the horse sufficiently accurate for the purpose of identification.
- c. Place where physical examination was performed and ophthalmic mallein test applied.
- d. Number of certificate.
- e. Corresponding number of tag or other identification attached to horse.
- f. Certification by veterinarian applying the test to the effect that the horse was free from glanders at the time of physical examination and the application of the ophthalmic mallein test.
- g. Signature of veterinarian.
- h. Date and place of registration.
- i. Name of laboratory producing the ophthalmic mallein used in making the test.

Regulation 4. Tagging and branding. The certificate issued by a veterinarian in conformity with Regulations 1 and 2 hereof shall bear a number which must correspond with the numbered tag attached to the ear of the horse or a numbered hoof brand.

Regulation 5. Re-test. Every horse shall be physically examined and tested with ophthalmic mallein to determine its freedom from glanders once in every six months. Every veterinarian performing such re-test shall, in each instance, file with the Department of Health within five days thereafter a certificate issued or approved by said Department showing the result of such test.

Regulation 6. Sale of horses at public auction restricted. No horse shall be offered for sale at public auction in the City of New York unless it shall have been tested and branded or tagged in the manner provided for in these Regulations.

§22. Keeping of wild animals prohibited.

No person shall keep at any place in The City of New York any wild animals. This provision shall not apply to the keeping of wild animals by the Park Department or to the keeping of wild animals for exhibition or amusement purposes under a license issued by the Department of Licenses of said city.

The term "wild animals" shall be taken to mean and include tame or untame lions, bears, wolves, foxes, snakes or other animals with similar vicious propensities. (*Adopted September 12, 1933 and amended March 14, 1935.*)

ARTICLE 3

BIRTH, FETAL DEATHS AND DEATHS

- Section 31. Live birth defined; duty of physician, midwife, superintendent of hospital, parents and others to report; confidential supplementary medical reports; registry to be kept.
32. Fetal death defined; duty of physician, midwife, superintendent of hospital, parents and others to report in accordance with this section and the regulations of the Board of Health; confidential supplementary medical report; registry to be kept; duty of funeral director.

33. Deaths; duty of physicians and superintendent of hospital to report and keep registry; confidential medical report; Medical Examiner to report deaths; duty of funeral directors.
34. No fee to be charged for executing and filing of certificate of birth, fetal death or death.
35. Autopsies; when Commissioner of Health may authorize; duty of hospital superintendent to report.
36. Certificates to be signed; false or misleading statements prohibited.
37. Registered physicians to sign death certificates.
38. Dead bodies of human beings; transportation or disposal permit required; transportation locally within the City of New York.
39. Dead bodies of human beings; delivery to funeral director.
40. Transportation of dead human bodies into the City of New York; permit required.
41. Dead bodies of human beings not to be retained unburied.
42. Dead bodies of human beings; interment, cremation or other disposition; permit required.
- 42a. Remains of persons who have died of smallpox; caskets to be hermetically sealed; the preparation and burial.
- 42b. Disinterment and opening of casket.
43. Disposal of amputated parts of a human body; permit required; certificate required.
44. Duties of sextons and other persons.
45. Cemeteries, crematories, mausoleums, vaults, and tombs; consent required for establishment; disinterment permits.
46. Funeral directing and funeral establishments regulated; permit required; definitions.

***§31. Live birth defined; duty of physician, midwife, superintendent of hospital, parents and others to report; confidential supplementary medical reports; registry to be kept.**

(a) The term "live birth," as used in this article, shall mean a child born alive, and a child shall be deemed to have been born alive if there was a sign of life such as respiration, heart beat or movement of voluntary muscle, after complete separation of the body of the child (head, trunk and limbs) from the body of the mother, notwithstanding whether the cord was or was not cut or the placenta was or was not removed.

(b) When a live birth, in the City of New York, occurs in a hospital, maternity home, or other similar institution, or on an ambulance service connected therewith, it shall be the duty of the superintendent of the hospital or institution to execute a certificate of birth, together with a supplementary medical report of said birth, upon a form furnished by the Department of Health, and to file such certificate and report in the office of the Bureau of Vital Records and Statistics of the said department in the borough in which the birth occurred, within two (2) days after such birth. The information recorded in the certificate of birth and the supplementary medical report shall be taken from the official records of the case and the certificate may be prepared and signed by the physician or midwife in professional attendance, by a resident physician or medical interne who rendered professional assistance, or by a registered nurse present at the birth in the capacity of delivery room supervisor.

(c) When a live birth, in the City of New York, occurs elsewhere than in a hospital or institution, it shall be the duty of the physician or midwife in professional attendance at said birth, or who rendered professional service to the mother or child immediately after said birth, to execute a certificate of birth, together with a supplementary medical report of said birth, upon a form furnished by the Department of Health, and to file such certificate and report within the time and in the same manner as provided in subdivision (b) herein. When a live birth occurs in the absence of a physician or midwife, it shall be the duty of the parent or parents, and if there be no parent alive, then of the next of kin of the child, and of every other person present at such birth, to execute a certificate of birth upon a form furnished by the Department of Health, and to file such certificate within the time and in the same manner as provided in subdivision (b) herein.

(d) There shall be no specific statement on the certificate of birth, indicating whether the child was born in or out of wedlock, or the marital name or status of the mother. Such certificate of birth shall contain:

(1) Such data or information as the Board of Health may from time to time prescribe on the form of birth certificate furnished by the department.

(2) A certificate by the person reporting the birth, that the birth occurred on the date, at the hour, and at the place stated in the certificate, and that all other statements made in the certificate are true to the best of his or her knowledge, information and belief.

*See regulations on page 35.

(3) The signature and residence of the person reporting the birth, and the date on which the certificate was signed.

(e) The supplementary medical report of a live birth shall contain such medical information pertaining to said birth as the Board of Health may prescribe. The information required and given in the supplementary medical report of said birth shall be deemed not a part of the certificate of birth. The supplementary medical report shall be regarded and treated as a confidential and privileged communication, and shall not be subject to subpoena or open to inspection for any purpose whatsoever, except for scientific purposes approved by the Board of Health.

(f) When a live birth occurs in a hospital, maternity home, or other similar institution, or on an ambulance service connected therewith, a registry of the birth shall be prepared on a form furnished by the Department of Health or on a form provided by such hospital or institution. The registry shall contain an entry for each such birth giving all the information required on the certificate of birth and on the supplementary medical report. It shall be the duty of the superintendent of the hospital or institution to have such a registry made and preserved indefinitely, as a part of the records of the said hospital or institution. When a live birth occurs elsewhere than in a hospital or institution or on the ambulance service connected therewith, it shall be the duty of the physician or midwife who attended professionally at, or immediately after, said birth, to make and preserve indefinitely a registry of such birth on a form furnished by the Department of Health.

(Former §31 repealed and new §31 adopted December 12, 1938. Subdivisions (b), (c) and (d) amended June 13, 1939, effective September 15, 1939. Repealed and re-enacted November 16, 1943, effective January 1, 1944.)

***§32. Fetal death defined; duty of physician, midwife, superintendent of hospital, parents and others to report in accordance with this section and the regulations of the Board of Health; confidential supplementary medical report; registry to be kept; duty of funeral director.**

(a) The term "fetal death", as used in this section, shall mean any terminated pregnancy resulting otherwise than in a live birth and regardless of the period of gestation, and shall include a stillbirth, a fetus, and fetal tissues, recovered at a curettage, delivered at an abortion or miscarriage (spontaneous, therapeutic or induced), at operation in a case of ectopic gestation, or by cesarean section, and a hydatidiform mole delivered spontaneously or by operation. The term "fetus" as used in this section shall mean and include any of the above.

The term "born dead" shall apply to any fetus in which there was no sign of life, such as respiration, heart beat or movement of voluntary muscle, after complete separation (head, trunk and limbs) from the body of the mother, notwithstanding whether the cord was or was not cut or the placenta was or was not removed.

(b) When a fetal death occurs in a hospital or other similar institution, or on an ambulance service connected therewith, it shall be the duty of the medical superintendent, or, if there be no medical superintendent, of the physician in charge of surgical or medical services of the hospital or institution, to execute a certificate of fetal death, together with a supplementary medical report of said fetal death, upon a form furnished by the Department of Health, and to file such certificate and report in the office of the Bureau of Records and Statistics of the said department in the borough in which the fetal death occurred, within twenty-four (24) hours after such fetal death, except that when such report is based upon pathological examination of tissues recovered at an operation, such report shall be filed within fifteen (15) days of the operation. The information recorded in the certificate of fetal death and supplementary medical report shall be taken from the official records of the case and the certificate may be prepared and signed by the physician in professional attendance or by a medical intern who rendered professional assistance.

(c) When a fetal death occurs elsewhere than in a hospital or other similar institution or on an ambulance service connected therewith, it shall be the duty of the physician in professional attendance at or immediately after the delivery, extraction or expulsion of such dead fetus, to execute and file within twenty-four (24) hours thereof with the Bureau of Records and Statistics of the Department of Health in the borough in which such delivery, extraction or expulsion occurred, a certificate of fetal death, together with a supplementary report of said fetal death, upon a form furnished by the said department.

(d) It shall be the duty of the midwife in professional attendance in the absence of a physician at the delivery of a dead fetus in the City of New York, to report such fetal death at once by telephone or messenger to the Child Health Service of the Department of Health in the borough in which such fetal death occurred. In all such cases, the midwife shall execute the certificate of fetal death and leave it in a sealed envelope at the place of fetal death for countersigning by a medical inspector of said department who, after countersigning, shall

*See regulation on page 35.

leave it in a sealed envelope for the said midwife to file in the manner and within the time hereinbefore provided.

(e) When a fetus is born dead in the absence of a physician or midwife, it shall be the duty of the parent or parents, and if there be no parent alive, then of any other person present at such fetal death, to report such fetal death immediately by telephone to the office of the Chief Medical Examiner in the borough in which said fetal death occurred. It shall also be the duty of every person who finds a dead fetus to make a similar report. The Chief Medical Examiner, in every fetal death investigated by him or his office, shall execute and file a certificate of fetal death, upon a form provided by the Department of Health, with the Bureau of Records and Statistics of said department in the borough wherein the fetal death occurred, or the fetus was found, within twenty-four (24) hours of the fetal death, or the finding of the fetus. If the required information is not completely available, a tentative certificate of fetal death, giving all the available information shall be filed by the Chief Medical Examiner in the time period hereinbefore provided, and such tentative certificate of fetal death shall be replaced by a permanent certificate of fetal death when the missing information shall be available, or the case is closed in the Chief Medical Examiner's records.

(f) The certificate of fetal death shall contain information similar to that required for a live birth by subdivision (d) of Section 31 of the Sanitary Code and, in addition thereto, a statement of the cause of fetal death.

(g) The supplementary medical report of a fetal death shall contain such medical information pertaining to the fetal death as the Board of Health may prescribe. The supplementary medical report shall be deemed not a part of the certificate of fetal death and shall be regarded and treated as a confidential and privileged communication, and shall not be subject to subpoena or open to inspection for any purpose whatsoever, except for scientific purposes approved by the Board of Health.

(h) It shall be the duty of every physician and midwife to make and preserve indefinitely a registry of the several fetal deaths occurring in the City of New York at which he or she was in professional attendance except where such fetal death occurred in a hospital or other similar institution or on an ambulance service connected therewith. Such registry shall contain an entry for each fetal death giving all the information required on the certificate of fetal death and shall be kept on forms furnished by the Department of Health. When such fetal death occurs in a hospital or similar institution, or on an ambulance service connected therewith, the physician or midwife shall make the entry in the registry maintained by such hospital or institution and it shall be the duty of the superintendent of such hospital or institution to preserve such registry indefinitely as a part of its records.

(i) A person required by this section to file in the Bureau of Records and Statistics a certificate of fetal death together with a supplementary medical report of said fetal death shall be deemed to have fulfilled such requirement if he delivers such certificate and such supplementary medical report, immediately upon demand and within the prescribed time limit for the filing thereof, to a funeral director as defined in Section 46 hereof who is acting under authority from the nearest available relative to take charge of the fetus. A funeral director who, pursuant to the provisions of this section, obtains such a certificate of fetal death and supplementary medical report, shall be required to file such certificate and report with the Bureau of Records and Statistics in the same manner and within the period of time hereinbefore provided for filing thereof. Such funeral director shall have access to the confidential medical report but shall not divulge any item contained therein to any member of the deceased's family or to any other person, business, firm or corporation, except to an authorized representative of the Registrar of Records of the Department of Health. Where the fetus has been delivered to the City Mortuary, the delivery of the certificate of fetal death to the representative of the City Mortuary shall be deemed equivalent to delivery to a duly qualified funeral director.

(j) A fetus as defined in this section may be kept for anatomical purposes and/or disposed of by the person in professional attendance, with the consent of a parent, without a permit from the Department of Health provided a report of the fetal death has been made as required herein and provided, further, that not more than sixteen (16) weeks of gestation elapsed before the delivery. Whenever a parent or parents have specified that a dead fetus shall be buried, regardless of the period of gestation, or whenever the fetus has reached the sixteenth week of gestation, the fetus shall not be disposed of without a permit from the Department of Health.

A true copy.

(§32, former §32, repealed and new §32 adopted December 12, 1938; subdivision (e) amended June 13, 1939, effective September 15, 1939; generally revised March 11, 1947, effective June 1, 1947.)

***§33. Deaths; duty of physicians and superintendent of hospital to report and keep registry; confidential medical report; medical examiner to report deaths; duty of funeral directors.**

*See regulation on page 35.

(a) When a death occurs from natural causes in a hospital or other similar institution, it shall be the duty of the medical superintendent, or, if authorized by him, of the resident physician, other licensed physician or the intern who assisted the professional attendant in the case, to execute and sign a certificate of death upon a form furnished by the Department of Health and to file such certificate in the Bureau of Record and Statistic in the borough in which the death occurred, within twenty-four (24) hours after such death. The information recorded on the certificate shall be taken from the official records of the case.

(b) When a death from natural causes occurs elsewhere than in a hospital or similar institution it shall be the duty of the physician in professional attendance thereon to execute and file a certificate of death as provided in subdivision (a) hereof.

(c) The certificate of death shall be in such form and contain such data and information as the Board of Health may from time to time prescribe, including personal particulars regarding the deceased and a medical certificate of death. A medical diagnosis of the cause of death shall be reported by the certifying physician in a confidential medical report which shall be filed with the certificate of death, but which shall be deemed not a part of such certificate and shall be regarded and treated as a confidential and privileged communication, and shall not be subject to subpoena or open to inspection for any reason whatsoever, other than for scientific purposes approved by the Board of Health. The physician who signs the certificate of death shall be deemed to have executed the same when he enters the name of the deceased and completes the medical certificate of death and the confidential medical report. When the body of the decedent is delivered to a representative of the City Mortuary for burial in the City Cemetery or other disposal, the physician shall complete the entire certificate.

(d) It shall be the duty of every physician to make and preserve indefinitely a registry of the deaths of persons occurring in the City of New York who were attended by him in their last illness except where the death occurs in a hospital or similar institution. Such registry shall contain an entry for each death including such data and information as the Board of Health may from time to time prescribe, and shall be kept by the physician on forms furnished by the Department of Health. When a death occurs in a hospital, or similar institution, the physician who attended the deceased in his or her last illness shall make the entry in the registry maintained by such hospital or institution, and it shall be the duty of the superintendent of such hospital or institution to preserve such registry indefinitely as a part of the records of said hospital or institution.

(e) When a person dies from criminal violence; by casualty; by suicide; suddenly when in apparent health; unattended by a physician; in prison; or in any suspicious or unusual manner, it shall be the duty of the physician who has responded to a call to attend such person, and if such death occurred in a hospital, maternity home, nursing home, or other similar institution, the duty of the superintendent thereof, to report such death by telephone to the office of the Chief Medical Examiner in the borough in which such death occurred. The Chief Medical Examiner, in every death investigated by him or his office, shall execute and file a certificate of death, on a form provided by the Department of Health, with the Bureau of Records and Statistics of said Department in the borough where the death occurred, or the body was found, within twenty-four (24) hours of the death, or of the finding of the body. If the dead person has not been identified or if the diagnosis is not complete, a tentative certificate of death, giving all available information, shall be filed by the Chief Medical Examiner in the time period hereinbefore provided, and such tentative certificate of death shall be replaced by a permanent certificate of death when the missing information shall be available, or the case is closed in the Chief Medical Examiners records.

(f) A physician required by this section to file a certificate of death, together with the physician's confidential medical report, with the Bureau of Records and Statistics shall be deemed to have fulfilled such requirement if he delivers the certificate and confidential medical report immediately upon demand and within the prescribed time limits for filing thereof, to a funeral director as defined in Section 46 hereof who is acting under authority from the nearest available relative, or executor or executrix of the estate, or if there be none, of the Public Administrator of the county of residence or a friend of the deceased, to take charge of the body. A funeral director who, pursuant to the provisions of this section, obtains such a certificate of death and the confidential medical report shall be required to file the same with the Bureau of Records and Statistics in the same manner and within the period of time hereinbefore provided for the filing thereof. Such funeral director shall have access to the confidential medical report but shall not permit any item contained therein to be divulged to any member of the deceased's family or to any other person, business, firm or corporation, except to an authorized representative of the Registrar of Records of the Department of Health. It shall be the duty of the funeral director to obtain all personal information required on the death certificate relative to the deceased, for completion of the Health Department certificate. Where the body has been delivered to the City Mortuary, the delivery of the certificate of death, with the confidential medical report, to the representative of the City Mortuary shall be deemed equivalent to delivery to a duly qualified funeral director.

(Former §33 repealed and new sections adopted Dec. 12, 1938, generally revised Nov. 26, 1947; subd. (f) amended March 11, 1947; effective June 1, 1947.)

***§34. No fee to be charged for executing and filing of certificate of birth, fetal death or death.**

No person required by this article to file a certificate of birth, fetal death or death or any confidential medical report shall charge, demand or exact any fee for the making, executing or filing of such certificate of birth, fetal death or death or any confidential medical report relating thereto.

(Former §34 repealed December 14, 1937, new §34 adopted Dec. 12, 1938; amended March 11, 1947, effective June 1, 1947.)

***§35. Autopsies; when Commissioner of Health may authorize; duty of hospital superintendent to report.**

(a) Whenever a person dies in the City of New York under circumstances which suggest that he or she may have been suffering from a communicable disease which if undisclosed may imperil the health of the community, the Commissioner of Health may authorize the performance of an autopsy by the Medical Examiner or order such autopsy to be performed by a qualified pathologist.

(b) Whenever an autopsy has been performed following a death from natural causes it shall be the duty of the superintendent of the hospital wherein the autopsy is performed to file within one month of the date of death a supplementary report. Such report shall contain the findings of the pathologist and such additional facts concerning the causes of death as do not appear in the original death certificate. Such supplementary report shall be deemed a part of the confidential medical report of cause of death and shall be subject to the restrictions placed thereon by paragraph (c) of Section 33 hereof.

(§35 adopted by resolution filed with City Clerk July 30, 1945, published in City Record Aug. 2, 1945. Amended March 11, 1947, effective June 1, 1947.)

§35. Persons who perform marriage ceremony must register.

(Repealed by resolution filed with City Clerk May 12, 1938 and published in The City Record May 14, 1938; repeal effective July 1, 1938.)

***§36. Certificates to be signed; false or misleading statements prohibited.**

All certificates, statements and reports of birth, fetal death or death shall be signed by the person purporting to make the same, and no person shall sign or forge the name of another to any such certificate, statement or report.

Any person making a false or misleading statement regarding any of the above shall be punishable under Section 187 of the Sanitary Code.

(S. C. §162; amended Dec. 14, 1937; effective January 1, 1938, and March 11, 1947; effective June 1, 1947.)

***§37. Registered physicians to sign death certificates.** The certificate of death and the physician's confidential medical report required by Section 33 hereof must be signed by a physician registered with the Department of Health as provided in Section 218 hereof.

(Adopted March 11, 1947; effective June 1, 1947.)

§37. Dead bodies of human beings; permit to carry or convey required; exception.

(S. C. §163; repealed March 11, 1947; effective June 1, 1947.)

***§38. Dead bodies of human beings; transportation or disposal permit required; transportation locally within the City of New York.**

(a) No dead body of a human being, who has died in the City of New York, nor any part thereof, shall be removed from the place of death without a permit for such removal from the Department of Health nor otherwise than in accordance with the terms of such permit and the regulations of the Board of Health. No such permit shall be granted unless a certificate shall have been filed with the Bureau of Records and Statistics or delivered to a funeral director for such filing as required by Section 33 or 43 hereof.

(b) A funeral director as defined in Section 46 hereof who is acting under authority from the nearest available relative, friend or personal representative of the deceased, or Public Administrator, or executor or executrix of the deceased, may obtain, by applying in person or by telephone, a permit to remove the dead body of a human being who shall have died in said city, from the place of death to a residence or to an approved funeral establishment located in the City of New York. Such funeral director at the time of making such

*See regulations on page 35.

application shall have in his possession a certificate of death prepared, executed and signed as provided in Section 33 hereof together with the confidential medical report, unless such certificate and report shall have been already filed in the Bureau of Records and Statistics.

(c) Nothing in this section shall prevent the Chief Medical Examiner, Deputy Chief Medical Examiner, or Assistant Medical Examiner, or a duly authorized member of the Police Department to order the removal, pending the completion of the investigation conducted by one of their agencies, of the body of the person who shall have died suddenly in a public place. Nothing in this section is to be construed to prevent the transportation within the City of New York of human tissues to be used for diagnostic purposes or pathological study.

(S. C. §163A; amended March 11, 1947; effective June 1, 1947.)

***§39. Dead bodies of human beings; delivery to funeral director.**

It shall be the duty of the superintendent or other person in charge of any hospital or similar institution in the City of New York in which a death or fetal death occurs to deliver the body of such deceased person to the funeral director presenting either a burial or removal permit issued by the Bureau of Records and Statistics of the Department of Health, or a certification that permission has been received by telephone from the Bureau of Records and Statistics to make such removal. When such body of a deceased person who has died from natural causes has not been claimed by a funeral director within twenty-four (24) hours of the death, the superintendent or other person in charge of the hospital or other institution shall notify the City Mortuary to call for the body of the deceased, except that the Registrar of Records or an Assistant Registrar of Records may, for good cause, grant permission to retain such body for a longer period, provided the certificate of death required by Section 33 hereof is delivered by messenger to the Bureau of Records and Statistics of the Department of Health within the time required for the filing thereof, and further provided that the hospital or other institution has adequate facilities for preserving the dead body. Claim by a funeral director for the body of a deceased person, which has been sent to a City Mortuary, shall be made to the Superintendent of Mortuaries in accordance with the regulations of the Board of Health.

(S. C. §164; amended Aug. 10, 1922; generally revised March 11, 1947; effective June 1, 1947.)

***§40. Transportation of dead human bodies into the City of New York; permit required.**

No person shall transport into the City of New York the dead body of any human being, or any part thereof, without having first obtained a permit therefor from the Department of Health, health officer, registrar of vital statistics, or other authorized person within whose jurisdiction the death occurred, nor otherwise than in accordance with the terms of the said permit and the regulations of the Board of Health of The City of New York. If the body is to be transported directly to a cemetery or crematory, a permit issued in any state of the United States shall be accepted with the same force and effect as though it had been issued by the Department of Health of The City of New York, provided the name of the cemetery or crematory is designated. If the name of the cemetery or crematory is not designated, such permit shall be exchanged for one issued by the Department of Health of The City of New York.

If the death occurred outside the boundaries of the United States, the body of any human being, or any part thereof, which has arrived within the jurisdiction of the Department of Health of The City of New York, shall not be removed from the dock or railroad terminal without a permit from the Department of Health of The City of New York. Nothing in this section is to be construed to prevent the transportation into the City of New York of human tissues to be used for diagnostic purposes or pathological study.

(Adopted March 11, 1947; effective June 1, 1947.)

***§41. Dead bodies of human beings not to be retained unburied.**

The body of every person who has died in the City of New York shall be buried, cremated or otherwise disposed of, within four days after the date of death; however, upon application by the funeral director, the Registrar of Records may extend the time limitation, and specify how long and under what conditions the body may be retained unburied.

(S. C. §165; formerly §40; renumbered §41 March 11, 1947; effective June 1, 1947.)

***§42. Dead bodies of human beings; interment, cremation or other disposition; permit required.**

No interment, cremation, or other disposition, of the dead body of any human being

*See regulation on page 35.

shall be made in the City of New York without a permit therefor issued by the Bureau of Records and Statistics of the Department of Health of The City of New York or other authority as hereinafter in this section provided or otherwise than in accordance with the terms of such permit and the regulations of the Board of Health. No manager, superintendent, or employee of any cemetery, mausoleum, vault, tomb, or crematory, or any other person shall assist in, assent to, or allow the interment, entombment, cremation or other disposition of any dead human body, or aid the preparation of or assist in preparing any grave or place of deposit for any such body unless such permit shall have been received. A permit issued by the Department of Health, health officer, registrar of vital statistics or other authorized person in any state of the United States may be accepted in lieu of the permit of the Bureau of Records and Statistics provided the name of the cemetery appears thereon. It shall be the duty of every person having charge of any cemetery, mausoleum, vault, tomb, or crematory in the City of New York, to file such permit as a permanent record. (*S. C. §167; amended September 11, 1945 and generally revised March 11, 1947; effective June 1, 1947.*)

§42a. Remains of persons who have died of smallpox; caskets to be hermetically sealed; the preparation and burial.

It shall be the duty of every funeral director engaged for or in charge of the preparation and burial of the body of a person who died in The City of New York of smallpox, or of the bringing of the dead body of any such person into the city, to give immediate notice thereof to the Department of Health. No removal permit for the body of any person who has died of this disease shall be granted by telephone. No funeral director shall retain or expose or assist in the retention or exposure of the dead body of any such person. Such body shall be immediately placed in a metal lined coffin or casket and permanently closed and the same shall be immediately and permanently sealed by the funeral director with the official seal provided for that purpose by the Department of Health. If metal linings for coffins or caskets are unobtainable, the casket is to be so constructed as to not allow any seepage whatsoever therefrom and it is to be sealed as hereinbefore directed. If it is desired to have the body of a person who has died of smallpox cremated, the casket need not be metal lined, but must be sealed as herein provided and removed to the crematory for immediate cremation. It shall be unlawful to invite or permit any person or persons other than the members of his immediate family, on the premises where such deceased person has died of said disease or where the body of such person has been held or prepared for burial. In the case of a person who has died of smallpox, no public funeral shall be permitted.

(Adopted May 13, 1947.)

§42b. Disinterment and opening of casket; court order required.

The opening in The City of New York of a casket containing the disinterred remains of any person dead from any cause is hereby forbidden unless such opening shall be ordered by a court of competent jurisdiction.

***§43. Disposal of amputated parts of a human body; permit required; certificate required.**

An amputated part of a human body recovered at an operation may be kept for anatomical purposes and/or disposed of by burial in a cemetery or by cremation in a crematory or, provided the hospital or institution where the amputation was performed has facilities for incineration, by incineration in such hospital or other institution, according as the patient or next of kin may decide. Where a patient or his next of kin desires such amputated part to be buried in a cemetery or cremated in a crematory a permit from the Department of Health shall be required and disposition of the part shall be made in accordance with the terms of the said permit and the regulations of the Board of Health.

Before such permit shall be issued, the superintendent of the hospital or other institution wherein the amputation was performed shall execute a certificate of amputation on a form furnished by the Department of Health and file said certificate within forty-eight (48) hours of the operation in the Bureau of Records and Statistics in the borough in which the amputation was performed. Such certificate may be signed by the operating surgeon or by the intern who assisted in the case, and delivery of such certificate to a funeral director, or to a representative of a City Mortuary under the conditions provided in Section 33 (f) of this article for the filing of death certificates shall be deemed equivalent to filing the certificate in the Department of Health.

(Adopted March 11, 1947; effective June 1, 1947.)

§43. Sextons; to register with Department of Health.

(S. C. §169; amended Dec. 31, 1919; repealed March 11, 1947; effective June 1, 1947.)

*See regulation on page 35.

***§44. Duties of sextons and other persons.**

Every sexton and other person having charge of any crematory, burying-ground, cemetery, tomb, or vault, in The City of New York, shall whenever requested, make a return to the Department of Health, which return shall set forth a record of the receipt and disposition of each body included in such request, and which said return shall be in such form, and shall specify such additional particulars, as the regulations of the Board of Health shall require. (*S. C. §170; amended by resolution filed with City Clerk September 20, 1945 and published in The City Record September 26, 1945.*)

***§45. Cemeteries, crematories, mausoleums, vaults, and tombs; consent required for establishment; disinterment permits.**

No new cemetery or crematory, and no new mausoleum, vault, or tomb outside of an existing cemetery, to be used for the reception of dead human bodies shall be established in the City of New York without the consent of the Board of Health of The City of New York and of the New York City Council. In the event of a change in the name of any cemetery or crematory in the City of New York, the Board of Health shall be notified by the owner thereof. No grave, vault, tomb, or other place of interment in which there is a human body or any part thereof, shall be opened, exposed or disturbed, without a disinterment permit therefor issued by the Board of Health or otherwise than in accordance with the terms of such permit and the regulations of said Board, except for the purpose of placing therein another body for which a burial permit has been obtained. Every body buried in any such place shall be so buried that the top of the outside container shall be at least three (3) feet below the level of the ground, except that when the casket is enclosed in a concrete or metal vault, the top of such vault shall be at least two (2) feet below the level of the ground. (*S. C. §168; generally revised March 11, 1947; effective June 1, 1947.*)

§46. Funeral directing and funeral establishments regulated; permit required; definitions.

(a) No person, firm or corporation shall engage in or by a sign or otherwise advertise or profess to be engaged in the practice of funeral directing in the City of New York, or maintain a funeral establishment in said city, without an appropriate permit therefor from the Board of Health of the City of New York or otherwise than in accordance with the terms of such permit and the regulations of said Board. The fee for such permit and the duration thereof shall be as set forth in Section 191 of the Sanitary Code. Such a permit, however, shall not be required in the case of a funeral director licensed by the State of New York who does not engage in business for himself or maintain a funeral establishment, but is employed by or works under the direction of a business permit holder. Every such funeral director who is not a business permit holder is required to register with the Registrar of Records of the Department of Health of the City of New York.

(b) Permits under this section may be issued only to an individual holding a license from the State of New York as an undertaker or funeral director, except that a permit may be issued to a partnership or corporation or the legal representative of a deceased funeral director where the funeral establishment in connection with which such permit is desired is under the immediate personal supervision, direction, management and control of a licensed manager holding such a State license and duly designated as such manager in the application or as otherwise provided in the regulations of the Board of Health.

(c) Permits issued under this section shall be divided into three classes, namely:

(1) To engage in the practice of funeral directing and maintain within the City of New York a funeral establishment where dead human bodies may be brought, pending final disposition, for care, preparation, and safekeeping, and where the relatives and friends may gather for funeral services.

(2) To engage in the practice of funeral directing and maintain within the City of New York a funeral establishment consisting of an office only where dead human bodies are not brought at any time for any purpose.

(3) To engage in the practice of funeral directing without a funeral establishment within the city. This class of permit shall be for funeral directors who maintain a funeral establishment outside the City of New York but within the State of New York.

(d) An applicant for a permit under this section must be the holder of a valid certificate of registration issued by the New York State Department of Health for the funeral establishment designated in the application.

(e) Whenever used in this Sanitary Code the following terms shall mean and include:

(i) "Funeral establishment"—Every place or premises devoted to or used in the care and preparation for burial of human dead, or maintained or held out to the public by advertising or otherwise as the office or place for the transaction of business by a funeral director.

*See regulations on page 35.

(2) "Funeral Director"—A person duly licensed by the State of New York as an undertaker or funeral director who holds a permit from the Board of Health to engage in the practice of funeral directing, or a person so licensed who is registered with the Registrar of Records of the Department of Health of the City of New York and is employed by or works under the direction of an individual corporation, partnership or legal representative of a deceased funeral director, holding such a permit.

(Adopted December 31, 1919. Generally revised March 11, 1947, effective June 1, 1947.)

REGULATIONS GOVERNING THE BUSINESS OF THE PRACTICE OF UNDERTAKING

Regulation 1. Application for business permit.

(a) An application for a permit to engage in the business or practice of funeral directing and to maintain a funeral establishment in the City of New York, shall be made to the Board of Health on a form provided for such purpose and shall be filed with the Registrar of Records or an Assistant Registrar of Records. Every such application shall be accompanied by a certificate of occupancy from the Department of Housing and Buildings for the funeral establishment designated in the application.

(b) An application for a permit to engage in the business or practice of funeral directing in the City of New York by a funeral director whose funeral establishment is located outside the city but within the State of New York shall be made on a similar form and shall be filed in the Manhattan office of the Registrar of Records.

(c) All applications shall contain such information as the Department may require and shall state the type of permit for which application is being made.

(d) If the application for a permit is made by an individual, it shall be signed by such individual; if the application is made by a partnership, it shall be signed by each partner; if the application is made by a corporation, it shall be signed by an officer thereof; if the application is made by the legal representative of a deceased funeral director or undertaker, it shall be signed by such representative.

(e) A separate application for a permit must be filed for each establishment.

Regulation 2. Licensed manager.

(a) Every funeral establishment shall be under the immediate personal supervision, direction, management, and control of a licensed manager who is duly licensed by the State of New York as a funeral director or undertaker. No person shall serve as the manager of more than one funeral establishment.

(b) Where the permit is issued to an individual he shall be deemed the licensed manager of the establishment unless otherwise specified in the application for said permit. In the case of a partnership, corporation, or legal representative of a deceased funeral director or undertaker, the licensed manager or managers of the establishment shall be designated in the application.

(c) When the licensed manager designated in the application leaves the employ or severs his connection with the establishment, the holder of the permit shall promptly designate another licensed manager and file such designation with the Registrar of Records and such designation shall become a part of the original application for the permit.

(d) No person engaged in the practice of embalming for others, commonly known as a "trade embalmer," shall hereafter be designated as manager for any funeral establishment, nor shall any person hereafter be registered as a licensed manager of a funeral establishment who shall have any other occupation or employment with fixed duties and fixed hours or who shall have any other occupation or employment which shall interfere or might tend to interfere with the prompt discharge of the duties of a licensed manager of the funeral establishment.

Regulation 3. Conduct of establishment.

(a) Every funeral director practicing in the City of New York is required to be familiar and thoroughly conversant with the provisions of the Sanitary Code and the regulations of the Board of Health of the City of New York governing the removal, care, preparation, interment, cremation, transportation or other disposition of the remains of deceased persons, and the regulations of said Board governing the practice of funeral directing.

(b) Every holder of a business permit as described in Subdivisions (c) (1) and (c) (2) of Section 46 of the Sanitary Code must maintain a place of business in the City of New York and shall show a printed sign or display, setting forth the name of the permit holder and the kind of business.

(c) The permit issued by the Board of Health of the City of New York shall be conspicuously displayed in the funeral establishment for which it was issued.

(d) No name, except the name of the permittee and the name of the licensed manager or managers contained in the application filed with the Board of Health for said establishment, shall be shown or displayed upon or in said funeral establishment.

(e) All words, letters and phrases in any language other than English on any sign, handbill, poster, circular, letter, magazine, newspaper, stereopticon slide, motion picture, radio, telephone or other directory listing or other form of advertisement or public announcement, in connection with the name, address or the funeral business of the holder of the permit, must be repeated in the same advertisement or announcement in English in the same manner and with the same prominence.

(f) A licensed funeral director shall be present and personally supervise every removal or transfer of a dead human body, funeral and interment, cremation or other disposition.

Regulation 4. Funeral establishment.

(a) Every funeral establishment where dead human bodies are brought for care, preparation, safekeeping, or services, shall comply with the following:

1. Have a separate entrance from the street and when more than one floor is used or occupied maintain communication between these floors, separate from the communicating facilities used for other purposes.

2. If hereafter established maintain a separate room devoted exclusively to the preparation for disposal of dead human bodies. This room shall be equipped with adequate ventilation, hot and cold running water, and proper and adequate sewerage facilities. The walls and floor surface of such room shall be constructed of non-porous material with a smooth surface which can be readily cleaned and hosed after each use.

3. Provide and maintain toilet facilities adequate for the use of employees and persons attending funeral services. Such facilities shall be provided separately for males and females.

(b) No permit shall be issued for a funeral establishment to be conducted in a multiple dwelling other than on the ground or street floor, except when upper floors are used in conjunction with the ground or street floor and the provisions of Subdivision (a) (1) of this regulation are complied with.

Regulation 5. Power of attorney.

The holder of a business permit issued under Section 46 of the Sanitary Code may grant authority by power of attorney on a form provided by the Department of Health to any funeral director licensed by the State of New York to sign the permittee's name or trade name on applications or certificates for obtaining removal, burial, cremation, transit, and disinterment permits as follows:

1. The holder of a power of attorney for a holder of a business permit, where such power of attorney is for the duration of the permit, may not be employed by any other holder of a business permit or act as licensed manager for any other such holder.

2. In the event of the incapacitating illness or contemplated absence of the permit holder from the city, or for other good and sufficient cause in the discretion of the Department, a power of attorney may be issued by him to any funeral director, licensed by the State of New York, for a period not to exceed sixty days.

3. If the permit holder is an individual, then a copy of the power of attorney, properly acknowledged, shall be filed with the Registrar of Records, together with a statement, properly acknowledged, that the grantor of the power of attorney will be responsible for all the acts of his said appointee.

4. If the permit holder is a firm or corporation, then the power of attorney and the statement assuming responsibility for the acts of the holder of the power of attorney shall be executed in the same manner as is required of firms and corporations applying for a permit, and shall be filed with the Registrar of Records.

5. An application for renewal of permit shall indicate whether any power of attorney theretofore filed has been revoked or is to continue in effect.

Regulation 6. Suspension and revocation.

(a) A permit to conduct a funeral establishment or to engage in the practice of funeral directing in the City of New York, may be suspended or revoked upon proof of any of the following:

1. That the permit was obtained by fraud;

2. of the suspension or revocation by the State Department of Health of the license or certificate of registration of the permit holder;
 3. that any of the conditions required by these regulations for the issuance of a permit have changed or do not conform to their requirements;
 4. that the permit holder has been convicted of a felony;
 5. that the permit holder or his or its representative is incompetent or negligent in his work;
 6. that the permit holder or his or its representative has directly or indirectly offered to give or has given any money or other valuable consideration to any person for soliciting, suggesting, advising, requesting or inducing any person to employ him or it to perform any function of a funeral director;
 7. that the permit holder or his or its representative has communicated, directly or indirectly, with any of the next of kin or other relatives or members of the household of a deceased person for the purpose of procurement of funeral patronage;
 8. that the permit holder or his or its representative has permitted the contents of a confidential medical report of death or some item thereof to be divulged in violation of Subdivision (f) of Section 33 of the Sanitary Code;
 9. that the permit holder has caused or permitted the publication in any announcement or advertisement, or on any sign, stationery or billhead, or in any other manner in connection with the business of such permit holder, the name of any person who is not a licensed funeral director;
 10. that the permit holder has caused or permitted the publication of any advertisement in connection with his or its funeral practice that is deceptive, misleading or untrue;
 11. that the permit holder or his or its representative has violated any provision of the Sanitary Code, the Public Health Law, these or other regulations of the Department of Health, any statute, ordinance or rule relating to the operation of a funeral establishment or the practice of funeral directing.
- (Generally revised March 11, 1947, effective June 1, 1947.)

GENERAL REGULATIONS RELATING TO SECTIONS 31 TO 45

Regulation 1. Filing of proper certificate. No certificate of birth, death or fetal death which is not filled out legibly on typewriter or with permanent black or blue-black ink, or which is imperfectly filled out or has been corrected, interlined, or altered in any manner shall be accepted. No certificate of death upon which the cause of death is indefinite shall be accepted.

Regulation 2. Place to obtain permits. Permits for the removal or disposal of the remains of persons deceased in this City shall be obtained during regular office hours at the office of the borough in which the death took place, provided, however, that in cases of absolute necessity, permits may be obtained after regular office hours at such other borough offices and between such hours as the Commissioner of Health may direct.

Regulation 3. Removal permits. A permit, whether written or given by telephone, for the removal of the dead body of a human being to premises other than the place of final disposal is limited by its terms and does not authorize burial, cremation, or other final disposal. A funeral director making application by telephone for a local removal permit shall read from the death certificate in his possession, unless the same shall have already been filed, to the burial permit clerk of the Department of Health in the borough where the permit is obtained, such information as the Bureau of Records and Statistics may require. The funeral director shall enter on the back of the death certificate the following information obtained from the burial permit clerk: the removal permit number, the date and hour it was granted, and the name of the burial permit clerk. The funeral director shall then affix his signature and state license number. Only the funeral director himself shall have access to the confidential part of the death certificate before it is filed and shall treat the same as required by Section 33, paragraph (f).

Regulation 4. Removal, burial, cremation or transportation permit. No permit to remove, ship, cremate or bury the remains of the dead body of a human being shall be issued until a certificate shall be furnished by or on behalf of the holder of a business permit issued under Section 46 of the Sanitary Code, which certificate shall contain the name, business address and business permit number of the permittee and shall certify that such permittee has been employed by the nearest available relative or other authorized person, naming such person specifically, without any solicitation by or on behalf of such permittee in connection with the procurement of the case. "Solicitation" as used herein and in such certificate shall mean and include those actions prohibited by paragraphs 6 and

7 of Regulation 6 of Section 46 of the Sanitary Code. Such certificate shall be signed by the permittee in person or by a licensed manager of such permittee or other representative acting under a power of attorney registered with the Board of Health. If signed by such manager or representative, the name and state license number of the signer shall be included. The certificate herein referred to may be placed on the back of the death certificate.

Regulation 5. Application for cremation permit. No permit for the cremation of the remains of the dead body of a human being shall be issued by the Department of Health unless the application for such permit shall be made by the nearest relative of the deceased or other authorized person, supported by an affidavit establishing his authority, and the applicant shall assume all responsibility for the said cremation and shall state the name of the business permit holder authorized to make arrangements for the cremation of the said remains, and the place where the cremation is to be done. No such permit shall be issued in cases of suspicious deaths or deaths by homicide, unless the Chief Medical Examiner shall consent to such cremation.

Regulation 6. Sepcial requirements in regard to the unclaimed or the unidentified dead. Whenever a person dies in the City of New York, and his body has not been claimed by a relative or other duly authorized person and has been removed to the City Mortuary, any holder of a business permit issued under Section 46 of the Sanitary Code who is subsequently engaged by a relative or other duly authorized person to claim the body and arrange for final disposition thereof shall file with the Superintendent of the City Mortuary an affidavit or affidavits establishing such engagement and authority. Upon presentation of such affidavits the Superintendent of Mortuaries shall hand over to such permittee, being a licensed funeral director, or to the licensed manager of such permittee or other representative acting under a power of attorney filed with the Registrar of Records, the certificate of death issued by the physician in attendance upon the deceased at the time of death or by a Medical Examiner or the permit issued by the Department of Health authorizing burial of the deceased in the City Cemetery. Where the obligation rests upon the Public Administrator to pay the expenses for the burial or cremation of the remains of such deceased person, and the person giving such authorization to the business permit holder be a friend and not a relative, such affidavit or affidavits shall be approved by the Public Administrator before the death certificate or permit shall be surrendered by the Superintendent of Mortuaries.

Regulation 7. Authority to withhold permits. The Commissioner of Health and the Registrar of Records of the Department of Health of the City of New York are each hereby vested with power and authority to withhold the issuance of any burial, cremation or removal permit, or any disinterment or transportation permit where, in the exercise of their discretion, they or either of them determine it advisable or necessary to institute an investigation. The issuance of such burial or other permit shall not, however, be withheld for a longer period than seventy-two hours after application therefor has been made to the Department of Health, unless the Chief Medical Examiner shall otherwise request.

Regulation 8. Place of issuance of disinterment permits. Permits for the disinterment of bodies interred within the limits of the City of New York must be obtained at the office of the Department of Health in the borough in which the cemetery at which disinterment is to take place is situated.

Regulation 9. Application for disinterment permits. Applications to obtain permits for disinterment and reburial in another cemetery must be made by a holder of a business permit issued under Section 46 of the Sanitary Code upon a blank form furnished by the Department of Health, and must have attached thereto an affidavit from the nearest relative or other authorized person requesting such disinterment. Applications to obtain permits for disinterment and reburial in the same cemetery may be made by the Superintendent of said cemetery upon a form furnished by the Department of Health, and must have attached thereto an affidavit from the nearest relative or other authorized person requesting such disinterment. The affidavits herein required shall not be necessary when disinterment is requested by the Chief Medical Examiner or the District Attorney in their official capacities.

Regulation 10. Disposition of disinterred bodies. All bodies after being disinterred within the limits of the City shall be enclosed in a box so constructed as to prevent the issuance of any liquids therefrom. All such bodies which are to be shipped by common carrier to other towns, cities, states or countries must be prepared in accordance with the regulations of the Department of Health of the State of New York governing the shipment of bodies by common carrier.

Regulation 11. Conditions on permits to be observed. Superintendents or other persons in charge of cemeteries and crematories shall not permit human remains to be interred or cremated except in accordance with the conditions stated upon the permit presented at the time of such burial or cremation; and no permit shall be accepted by them which has been altered or changed in any manner whatsoever, unless such change or alteration has been initialled by an authorized employee of the Department of Health. Burial or cremation permits issued by the boards of health, health officers, registrars or other duly authorized persons in any state of the United States shall be accepted by the superintendents or other persons in charge of cemeteries or crematories provided the name of the cemetery or crematory is stated thereon. If the name of the cemetery or crematory is not stated, said permit shall be exchanged for one issued by the Department of Health in this city.

Regulation 12. Temporary retention of bodies in vaults. No body shall be retained in the general reception vault in any cemetery for a longer period than ten days unless enclosed in a box so constructed as to prevent the issuance of any liquids therefrom, and unless special permission therefor is granted by the Registrar of Records or an Assistant Registrar of Records of the Department of Health, and such vaults shall be at all times kept in good sanitary condition.

Regulation 13. Permanent retention in vaults; construction and maintenance. All general vaults in cemeteries used for the permanent interment of the remains of deceased persons must be provided with crypts or cells constructed so that they may be sealed when the remains of deceased persons are placed therein. Where such crypts or cells are used as a permanent place of deposit for the remains of deceased persons they shall be sealed immediately after such remains are deposited therein, provided that the provisions of this regulation shall not apply where the remains of a deceased person are enclosed in a hermetically sealed, metallic or stone coffin or case.

(Generally revised March 11, 1947, effective June 1, 1947.)

ARTICLE 4

BUILDINGS

- Section 51. Joint and several responsibility of owner, lessee, tenant, and occupant for existence of nuisance or violation of sanitary code.
52. Inadequate strength, ventilation, light, and sewerage, of buildings, and conditions therein dangerous or prejudicial to life or health, forbidden.
 53. Nuisances, conditions dangerous and prejudicial to life or health; duties of owners, tenants, lessees, occupants, and persons in charge of buildings and lots.
 54. Dwellings; sanitary conditions; duties of owner and lessee.
 55. Theatres, manufactories, and workrooms; sanitary conditions, lighting, heating, and ventilation.
 56. Lodging-houses, boarding-houses, or manufactories, not to be overcrowded.
 57. Schools, gymnasiums, and places of public worship; duties and responsibilities of persons in charge.
 58. Stables; to be maintained in accordance with the regulations of the Board of Health.
 59. Roof and skylights to be kept in good repair.
 60. Walls and ceilings to be clean.
 61. Water tanks on roofs of buildings; their use regulated.
 - 61A. Cleansing or painting water tanks.
 62. Sleeping in cellars or in any place dangerous or prejudicial to life or health, prohibited.

§51. Joint and several responsibility of owner, lessee, tenant, and occupant for existence of nuisance or violation of sanitary code.

The owner, lessee, tenant, and occupant of every building or premises, or of any part thereof, where there shall be a nuisance, or a violation of any section of the Sanitary Code, shall be jointly and severally liable therefor, in so far as they, respectively, have the power to prevent or abate such nuisance or prevent such violation, and, to such extent, each of them may be required to abate the nuisance, or comply with the order of the Board of Health in respect to such building, premises, or part thereof. (S. C., §13.)

§52. Inadequate strength, ventilation, light, and sewerage, of buildings, and conditions therein dangerous or prejudicial to life or health, forbidden.

No person, persons, or corporation, shall hereafter, in The City of New York, erect or cause to be erected, or convert or cause to be converted to a new purpose by alteration, any building or structure, or change or cause to be changed the construction of any part of any

building or structure by addition or otherwise, so that it, or any part thereof, shall be inadequate or defective in respect to strength, ventilation, light, sewerage, or any other usual, proper, or necessary provision or precaution for the security of life and health; nor shall the builder, owner, lessee, tenant, or occupant of any building or structure in the said city cause or allow any matter or thing to be or to be done in or about such building or structure dangerous or prejudicial to life or health. (S. C., §16.)

§53. Nuisances, conditions dangerous and prejudicial to life or health; duties of owners, tenants, lessees, occupants, and persons in charge of buildings and lots.

Every owner, lessee, tenant, occupant or person in charge of any building or premises within or adjacent to the build-up portions of The City of New York shall keep and cause to be kept the sidewalk, flagging and curbstone abutting on said building or premises free from obstructions and nuisances of every kind, and shall sweep and remove or cause to be swept and removed therefrom all garbage, refuse, filth, dirt, and other offensive material and shall keep such sidewalk, flagging, and curbstone free from garbage, refuse, filth, dirt, and other offensive material. Every such sidewalk, flagging, or curbstone shall be spattered with wet sawdust, paper or sand, sprinkled with water, or some other equally effective method or material used, to prevent and avoid the raising of dust when such garbage, refuse, filth, dirt, or other offensive material is swept or removed therefrom. Such garbage, refuse, filth, dirt, and other offensive material removed from the sidewalk, flagging or curbstone may be piled in the gutter or roadway between the hours of six and eight o'clock in the morning, but shall not be put or placed in, or swept, shoveled, thrown, emptied, or deposited into, the gutter or roadway at any other time. No such owner, tenant, lessee, occupant or person in charge shall allow anything in, on, or about such building or premises, or any condition arising or existing therein or thereon, to become a nuisance, or dangerous or prejudicial to life or health. (S. C., §41; *amended December 28, 1916 and October 30, 1918.*)

§54. Dwellings; sanitary conditions; duties of owner and lessee.

No owner or lessee of any building, or any part thereof, shall lease or let or hire out or allow the same or any part thereof to be occupied by any person, or allow any one to dwell or lodge therein, except when said building or such parts thereof are sufficiently lighted, ventilated, provided, and accommodated, and are in all respects in that condition of cleanliness and wholesomeness for which this code or any law of this state provides, or in which the said code or any such law requires any such premises to be kept. Nor shall any such person, having power to prevent the same, rent, let, hire out, or allow, to be used as or for a place of sleeping or residence, any cellar in any building, or any room of which the floor is damp by reason of water from the ground, or which is impregnated or penetrated by any offensive gas, smell, or exhalation, prejudicial to health. (S. C., §17.)

§55. Theatres, manufactories, and workrooms; sanitary conditions, lighting, heating, and ventilation.

The owner, agent, lessee, tenant, manager, and person conducting every theatre, auditorium, assembly hall, factory, workroom, store, or office, shall cause every part thereof and its appurtenances to be put, and shall thereafter cause the same to be kept, in a cleanly and sanitary condition, and shall cause every room thereof to be adequately lighted; shall provide, in each room thereof, proper and sufficient means of ventilation by natural or mechanical means or both, and maintain proper degrees of temperatures and humidity in every room thereof; and shall cause every part of any such place to be provided with such accommodations and safeguards, as not, by reason of the want thereof, or by reason of anything about the condition of such place or its appurtenances, to cause any unnecessary danger or detriment to the life or health of any person being properly therein or thereat. (S. C., §22.)

§56. Lodging-houses, boarding-houses, or manufactories not to be overcrowded.

No owner, lessee, or keeper of any lodging-house, boarding-house, factory, workroom, store, office, or place of business, shall cause or allow the same to be overcrowded or cause or allow so great a number of persons to dwell, be, or sleep in any such house, or any portion thereof, as thereby to cause any danger or detriment to life or health. (S. C., §19.)

§57. Schools, gymnasiums, and places of public worship; duties and responsibilities of persons in charge.

No master or teacher, or manager of, or in, any school, public or private, or of or in any Sunday-school or gymnasium, or the officer thereof, or officer or manager or person having charge of any place of public worship, shall so far omit or neglect any duty or reasonable care or precaution respecting the safety or health of any scholar, pupil, or attendant, or respecting the temperature, ventilation, cleanliness, or strength, of any church, hall of worship, school house, school-room, or place of practice or exercise connected therewith, or

relative to anything appurtenant thereto, so that by reason of such neglect or omission, the life or health of any person shall suffer or incur any avoidable peril or detriment. (S. C., §25.)

§58. Stables; to be maintained in accordance with the regulations of the Board of Health.

No stable shall be maintained in The City of New York, without a permit therefor issued by the Board of Health or otherwise than in accordance with the terms of said permit and with the regulation of said board. The provisions of this section shall apply to the owner, lessee, tenant, occupant, or person in charge of such stable.

REGULATIONS GOVERNING THE MAINTENANCE OF STABLES

Regulation 1. Stable on lot with multiple dwelling forbidden. No permit shall be granted to maintain a stable in a multiple dwelling or on the same lot or premises thereof.

Regulation 2. Light. Every stable shall be adequately lighted by natural or artificial means.

Regulation 3. Ventilation. Every stable shall be adequately ventilated to the external air by natural or mechanical means. Windows or other openings shall be so constructed and arranged as to be readily opened and shall be of a size sufficient to provide one and one-half square feet of area for every horse or other animal occupying such stable. In all cellar stables and buildings used as stables for the first time on or after July 1, 1915, 800 cubic feet of air space shall be provided for each horse or other animal accommodated therein.

Regulation 4. Water supply and drainage. Every stable shall be provided with a proper and adequate water supply. All water supplied fixtures shall be properly trapped and sewer or cesspool connected.

Regulation 5. Sewers and cesspools. Every stable shall be connected with a public sewer or, if there be no public sewer in the street to which the stable can be connected, a properly constructed, watertight cesspool located outside of the stable shall be provided.

Regulation 6. Height of ceiling. The ceiling of every building used as a stable for the first time after July 1, 1915, shall be at least 8 feet in height measured from the surface of the floor to the ceiling.

Regulation 7. Floors to be watertight, drainage. The floors of stable shall be watertight and preferably of non-absorbent material. The floors of stalls shall be of concrete or other watertight, non-absorbent material so graded and drained as to discharge all liquid matter into properly trapped, sewer or cesspool connected valley drains. All floor racks provided in stalls shall be removable.

Regulation 8. Surfaces cleaned. Walls, ceilings, exposed woodwork, floors, stalls and valley drains of stables shall be maintained in a clean condition at all times, and the walls, ceilings, and exposed woodwork white-washed whenever required by the Department of Health.

Regulation 9. Care of manure on premises. No manure vault, pit, or bin shall be allowed upon premises used for stabling purposes, except upon premises used for farming in unimproved sections of the City. All manure and stable refuse shall be kept within the stable and removed daily, or if not removed daily shall be pressed into bales or barrels adequately screened or otherwise protected or covered so that flies cannot have access thereto, or otherwise treated as approved by the Department of Health. All such manure or stable refuse so baled, barrelled, or treated shall be removed from the stable at least twice weekly.

Regulation 10. Loading of manure within stable. The loading of manure for removal shall be done within the stable without causing a nuisance.

Regulation 11. Bedding not to be dried on streets, etc. No straw, hay, or other substance which has been used as bedding for animals, shall be placed or dried upon any street, sidewalk, or roof of any building.

Regulation 12. Yard to be cleaned and graded. The stable yard shall be maintained in a clean condition, and the surface thereof so graded as to prevent the accumulation of liquids thereon.

Regulation 13. Nuisance of fly breeding forbidden. Every stable shall be maintained so as not to cause a nuisance or permit of the breeding of flies.

Regulation 14. No horse watering trough shall be permitted to be used or maintained in any stable or in the yard adjacent to such stable.

§59. Roofs and skylights to be kept in good repair.

The roofs, skylights, walls, and windows of all buildings shall be kept in a condition of good repair so that rain water shall not enter the building. (S. C., §24.)

§60. Walls and ceilings to be clean.

All filthy and dirty walls and ceilings of any buildings, including the walls and ceilings of the cellars thereof, shall be thoroughly cleaned and white-washed whenever required by the Department of Health. (S. C., §23.)

§61. Water tanks on roofs of buildings; their use regulated.

Every tank for holding water located on the roof or external part of a building shall be kept completely covered with a tight-fitting cover. Every tank from which water is furnished for drinking and domestic purposes shall be emptied and the inside thoroughly cleaned at least once a year and at such other times as may be directed by the sanitary superintendent or an assistant sanitary superintendent of the Department of Health.

(S. C., §62A; amended December 21, 1915.)

§61A. Cleaning or painting water tanks.

(a) No water tank of any kind which is part of a building water supply system used for domestic purposes shall be cleaned with any material or painted on the inside in any manner that will affect the taste or potability of the water supply when tank is put into service. The water supply connections to and from a tank shall be disconnected or effectually plugged while the tank is being cleaned or painted, to prevent any foreign fluid or substance from entering the distribution piping. Where the air in a tank may be inadequate to sustain human life, or may contain an injurious gas, adequate measures shall be taken for the protection of the workman.

(b) After the tank has been cleaned or painted it shall be disinfected as follows before it is put back in service: (1) The inner side of the top, bottom and walls shall be washed with a hypochlorite solution containing 25 or more parts per million of available chlorine; (2) the tank shall be filled with water to which hypochlorite solution is added during the filling in sufficient quantity so that the treated water in the tank will contain at least 10 parts per million of available chlorine; (3) the chlorinated water shall be allowed to remain in the tank for two hours; (4) finally, the tank shall be drained completely before refilling.

(§61A added by resolution filed with City Clerk March 21, 1945 and published in *The City Record* March 26, 1945.)

§62. Sleeping in cellars or in any place dangerous or prejudicial to life or health, prohibited.

No person having the right and power to prevent the same shall knowingly cause or permit any person to sleep or remain in any cellar, in any bathroom, in any room where there is a water-closet, or in any place dangerous or prejudicial to life or health, by reason of the want of ventilation or drainage, or by reason of the presence of any poisonous, noxious, or offensive odor or substance, or otherwise. (S. C., §18.)

ARTICLE 5**COLD STORAGE**

(Former Article 5 consisting of Sections 71 through 75 repealed and new Article 5, consisting of Sections 71 through 73, added by resolution filed with City Clerk May 16, 1942 and published in *The City Record* May 20, 1942; effective July 1, 1942.)

Section 71. Unfit food in refrigerated warehouse to be condemned.

72. Length of storage

73. Issuance of certificates for pork refrigerated for destruction of trichinae regulated; permit required.

§71. Unfit food in refrigerated warehouse to be condemned.

No article of food shall be placed, received, or kept in any refrigerated warehouse in the City of New York, unless the same is in an apparently sound and wholesome condition. An inspector or other duly authorized representative of the Department of Health may seize and condemn any article of food in any refrigerated warehouse which are found to be unfit for consumption; and such articles of food shall be destroyed or otherwise disposed of so as to prevent their being used for food. The term "refrigerated warehouse" as used in this section and Section 72 shall mean a refrigerated warehouse as defined in Section 230 of Article 19 of the Agriculture and Markets Law of the State of New York.

§72. Length of storage period.

No person shall keep or permit to remain in any refrigerated warehouse in the City of

New York any article of food beyond the time when it is sound and wholesome and fit to remain in storage. If any article of food is found to be fit for immediate consumption, but unfit for further storage, such article of food shall at once be removed from storage and not again stored. No article of food shall be kept or permitted to remain in any refrigerated warehouse for a longer aggregate period than twelve calendar months, except by order of the State Commissioner of Agriculture and Markets.

§73. Issuance of certificates for pork refrigerated for the destruction of trichinae regulated; permit required.

No person shall issue any certificate certifying the refrigeration of pork at a temperature and for the period necessary for the destruction of trichinae without a permit issued therefor by the Board of Health or otherwise than in accordance with the terms of said permit and with the regulations of said Board.

REGULATIONS

Regulations 1-7, governing the issuance of certificates certifying the refrigeration of pork for the destruction of trichinae.

(Added by resolution filed with City Clerk May 16, 1942 and published in The City Record May 20, 1942; effective July 1, 1942.)

Regulation 1. Location of establishments. No permit to issue certificates certifying the refrigeration of pork at the required temperatures and for the periods necessary for the destruction of trichinae shall be granted for an establishment located more than ten miles from the City of New York. *(Regulation 1 amended by resolution filed with City Clerk June 15, 1942 and published in The City Record June 17, 1942; effective July 1, 1942.)*

Regulation 2. Pork to be sound and wholesome. No permittee shall receive or keep any pork for refrigeration unless the same is in an apparently sound and wholesome condition.

Regulation 3. Pork in groups 1 and 2, refrigeration for the destruction of trichinae. Pork in group 1 shall consist of pieces not exceeding six inches in thickness or arranged in layers not exceeding six inches in depth, or stored as solidly frozen blocks not exceeding six inches in thickness. Pork in group 2 shall consist of pieces or layers or contents of barrels or containers, the thickness of which exceeds six inches, but is not in excess of twenty-seven inches. Pork in group 1 and group 2 to be refrigerated for the destruction of trichinae shall be subjected to a temperature of 5 degrees F., or minus 10 degrees F. or minus 20 degrees F. for not less than the corresponding number of successive days, as indicated in the following table:

TABLE

Temperature	Group 1	Group 2
+ 5° F.....	20 days	30 days
—10° F.....	10 days	20 days
—20° F.....	6 days	12 days

Regulation 4. Marketing of containers. The boxes or other containers of pork, to be subjected to the required refrigeration for the destruction of trichinae, shall be marked when received, with the lot number assigned to the pork as hereinafter provided and, when so refrigerated and released to the owner, with the date of release together with the words "Refrigerated for the destruction of trichinae at" followed by the temperature and the number of days the pork was held under such temperature.

Regulation 5. Issuance of certificates regulated. A certificate certifying that the pork had been kept at the required temperature and number of days for the destruction of trichinae shall be executed in duplicate by the permittee and the original issued to the owner of the pork at the time of the release of each lot or part of lot of pork refrigerated in accordance with the provisions of Regulation 3. The duplicate certificate shall be retained by the permittee and kept on file. The certificate shall be in the following form:

("Name and address of Refrigerating Company)

To
Name of Owner
Address
Lot No.....
Certificate No.....

This is to certify that the pork consisting of..... weighing.....lbs., (describe types of cut of meat) contained in..... (number and type of container), and constituting..... lot (insert "the full" or "part of") above indicated, has been kept at..... degrees temperature for.....days for the destruction of trichinae in accordance with Section 73 of the Sanitary Code of The City of New York and the regulations thereunder.

Dated.....19.....

....., by....."
Name of Refrigerating Company.

Regulation 6. Records to be kept. The permittee shall assign to each lot of pork, when received for refrigeration for the destruction of trichinae, a distinguishing lot number for the purpose of identification and shall keep an accurate record of such lot number and shall make and keep a record of (1) date of receipt, (2) the name and business address of owner, (3) the number and type of containers constituting the lot together with the types of cut of meat and the weight, (4) the temperature and number of days kept under such temperature for the destruction of trichinae and (5) the number of certificates issued for said lot. These records shall be kept by the permittee at his place of business for at least one year, and shall be open for inspection to authorized representatives of the Department of Health.

Regulation 7. Refrigeration room. Every room used for the purpose of refrigeration of pork for the destruction of trichinae shall be maintained at all times in a sanitary condition and shall be equipped with an accurate thermometer to indicate the temperature of said room. Such thermometers shall be checked monthly and a record kept with respect to their accuracy.

ARTICLE 6

MEDICAL EXAMINERS

§80. Duties of medical examiners.

(*Repealed by resolution filed with City Clerk June 16, 1939 and published in The City Record June 20, 1939.*)

ARTICLE 7

DISEASES

- Section 86. Duty of persons in charge of hospitals, and of physicians, to report certain diseases and conditions.
87. Tuberculosis; duty to report.
 88. Duty of persons in charge of hospitals, dispensaries and other institutions and of physicians, to report cases of venereal diseases.
 89. Duty of every person to report persons affected with a communicable disease.
 90. Criminal abortion or miscarriage; duty to report.
 91. Isolation of persons affected with communicable disease, et cetera; quarantine of premises and exclusion of contacts.
 92. Exclusion of children and other persons affected with communicable disease from school or agency giving day care to children.
 94. Isolation of persons affected with communicable diseases in institutions.
 95. Acts tending to promote spread of disease prohibited.
 96. Conveying of persons affected with a communicable disease through public streets regulated.
 97. Removal of persons affected with any communicable disease or carrier of communicable disease germs authorized.
 98. Concurrent and terminal disinfection, cleansing and renovation of premises, furniture, belongings and apparatus.
 99. Dispensaries and clinics for treatment of communicable disease; regulated.
 103. Clinical laboratories regulated.
 104. Precautions to be observed by physicians, nurses, midwives or other attendants for the prevention of ophthalmia neonatorum in the eyes of all new-born children.
 105. Sale or use of lead nipple shields prohibited.
 106. Handling of live micro-organisms and viruses regulated.
 107. X-ray laboratories; permit required.
 - 107A. Shoe fitting fluoroscopy.
 108. Blood donors and use of blood donors regulated; blood banks and plasma banks regulated; definitions.

- 109. Blood donor agency.
- 110. Lying-in institutions and new-born nurseries regulated.
- 112. Artificial human insemination.

§86. Duty of persons in charge of hospitals, and of physicians, to report certain diseases and conditions.

1. It shall be the duty of the manager, superintendent, or person in charge, of every hospital, institution, or dispensary, in the City of New York, to report in writing to the Department of Health, the full name, address and age of every occupant or inmate thereof, or person treated therein, affected with any one of the diseases or conditions mentioned in the list contained in subdivision 3 hereof, stating the name of the disease or condition and the date of onset, within 24 hours after the time when the case is diagnosed, except that in the case of a venereal disease the initials instead of the name may be given. It shall be the duty of every physician in the said City to make a similar report to the said department within the same period, relative to any person found by such physician to be affected with any one of the said diseases or conditions.

2. The word "condition" as used in this section shall be taken to mean any of those reportable pathological conditions or matters listed herein in subdivision 3 under the headings entitled "Communicable Disease Carriers", "Food Poisoning", "Miscellaneous" and "Occupational Diseases and Injuries." Wherever in said list reference is made to another section of the Sanitary Code, any additional requirements or reporting of additional information prescribed in such other section shall be complied with. Wherever in said list any disease or condition is marked by an asterisk (*), such disease or condition shall be reported immediately by telephone or messenger in addition to the written report as required herein.

3. The reportable diseases and conditions are as follows:

- Actinomycosis.
- Ancylostomiasis (hookworm disease).
- *Anthrax.
- Chancroid (see §88).
- Chicken pox (varicella).
- *Cholera (Asiatic).
- Conjunctivitis, acute infectious: (a) Ophthalmia neonatorum; (b) Acute epidemic conjunctivitis (Suppurative conjunctivitis pink eye).
- Diarrhea in the new born up to 3 weeks of age occurring in a new born nursery.
- Diphtheria.
- Diphyllo bothrium latum infection.
- Dysentery: (a) Amebic (including amebiasis); (b) Bacillary.
- Encephalitis, epidemic, acute, all forms.
- Echinococcus disease.
- Filariasis, all forms.
- German measles (rubella).
- Glanders.
- Gonococcal infection (gonorrhea, see §88).
- Granuloma inguinale (see §88).
- Hepatitis, infectious (acute catarrhal jaundice, homologous serum jaundice, post-transfusion hepatitis).
- *Impetigo contagiosa neonatorum occurring in a hospital giving maternity service.
- Influenza.
- Kerato-conjunctivitis, infectious (superficial punctate keratitis or nummular keratitis).
- Leprosy.
- Leptospirosis icterohemorrhagica (Weil's disease).
- Lymphogranuloma venereum lymphadenitis, Durant-Nicholas Favre, see §88).
- Malaria.
- Measles (rubeola).
- Meningitis, meningococcus (epidemic cerebrospinal meningitis), including meningococcemia.
- Mumps (parotitis, epidemic).
- Paratyphoid fever.
- Plague, all forms.
- Pneumonia, primary atypical (virus pneumonia of unknown etiology).
- Pneumonia, all other forms (give etiological agent, if determined).
- *Poliomyelitis, anterior, acute (infantile paralysis).
- *Psittacosis (parrot fever) including ornithosis.
- *Rabies (human).
- Rickettsialpox.

Rocky Mountain spotted fever.

Scarlet Fever (scarlatina), see Streptococcal sore throat.

Schistosomiasis.

Septicemia, puerperal. (Every case of infection accompanied by rise of temperature during the puerperal period, and which is related to the delivery and is not due to other obvious cause. By rise in temperature is meant an oral temperature of 100.4° F. (38° C.) or higher taken by standard technique at least four times a day on any two of the first ten postpartum days, exclusive of the first 24 hours).

*Smallpox (variola).

Streptococcal sore throat, including scarlet fever.

Syphilis (see §88).

Tetanus.

Trachoma.

Trichinosis.

Tuberculosis, all forms.

Tularemia.

Typhoid fever.

Typhus fever.

Undulant fever (Malta fever).

Whooping cough (pertussis).

Yellow fever.

B. Communicable disease carriers.

*Cholera (Asiatic).

Diphtheria.

Dysentery: (a) Amebic (including amebiasis, (b) Bacillary.

Paratyphoid fever.

Typhoid fever.

C. Food Poisoning.

Botulism.

*Food poisoning—group of cases. (The occurrence of a number or group of cases of illness, including group cases of diarrhea or sore throat, which appear to be due to the consumption of unwholesome, spoiled, contaminated or poisonous articles of food.)

D. Occupational and other diseases and injuries.

Cassion disease (compressed-air illness).

Poisoning by:

Aniline and its derivatives.

Arsenic.

Benzol (Benzene) and its derivatives.

Cadmium and its compounds.

Carbon disulphide.

Carbon monoxide.

Carbon tetrachloride.

Chromium salts.

Cyanogen compounds.

Dichloro-diphenyl-trichloroethane.

Fluorine and its compounds.

Illuminating gas.

Lead and its compounds.

Mercury.

Metal fumes.

Methyl alcohol (wood alcohol).

Petroleum derivatives.

Benzine.

Naphtha.

Gasoline.

Phosphorus.

Radium and other radio active substances.

Silicosis.

Trichlor-ethylene.

E. Miscellaneous.

*Abortions, criminal (see §90).

Animal bites (see §10).

Drug poisoning: (Poisoning, vacute or chronic, by drugs due to self-medication or on prescription).

(S. C. §133; amended September 17, 1918, January 27, 1921, December 27, 1928, December 30, 1930, June 23, 1931, November 21, 1933, October 22, 1935, December 8, 1936, January 12, 1943, May 11, 1943, January 11, 1944, December 11, 1945, September 9, 1947 and October 14, 1947; amended January 13, 1948.)

§87. Tuberculosis; duty to report.

It shall be the duty of every physician, including consultants and radiologists, every manager, superintendent, or person in charge of any correctional institution or of every clinic, dispensary, hospital, asylum or charitable institution, to report in writing to the Department of Health within twenty-four (24) hours, any person diagnosed or treated by them for tuberculosis. All such reports and records shall be confidential and shall be mailed and filed in accordance with the regulations of the said Department.

The term "tuberculosis" as used in this article or the regulations hereunder shall mean all forms of the disease and shall include the following types of tuberculosis in communicable form:

1. Tuberculosis in an actively communicable form: that is, (a) pulmonary tuberculosis where tubercle bacilli are found in the sputum or gastric contents, and (b) non-pulmonary tuberculosis where the tubercle bacilli have been demonstrated.

2. Tuberculosis in potentially communicable form: that is, pulmonary tuberculosis irrespective of the absence of tubercle bacilli in the sputum or gastric contents, but where an X-ray discloses the presence of a lesion of the chest the stability of which cannot be determined without further clinical, laboratory and/or X-ray studies.

All persons affected with tuberculosis in an actively or potentially communicable form shall observe all rules and regulations of the Department of Health with respect to the safeguarding of others from infection.

REGULATIONS

Regulation 1. Duty of physician, including consultants and radiologists to report. It shall be the duty of every physician, including consultants or radiologists, to report in writing to the Department of Health within 24 hours any person found to be affected with tuberculosis in a communicable form. In the case of consultants, they shall also report the full name of the referring physician.

Regulation 2. Duty of heads of institutions to report. It shall be the duty of the manager, superintendent or person in charge of any correctional institution and of every hospital, dispensary, clinic or asylum or charitable institution, to report in writing to the Department of Health within 24 hours, the full name, address, color, sex, age, marital status, occupation and stage of disease of every occupant or inmate thereof or person treated therein affected with tuberculosis.

Regulation 3. Duty of agencies to report. It shall be the duty of every nursing agency and social agency having knowledge of, or rendering care to, a person affected with tuberculosis in an actively or potentially communicable form, to report in writing to the Department of Health within 24 hours, the full name, address, color, sex, age, marital status, occupation, and pertinent facts as to home condition in relation to isolation of the patient.

Regulation 4. Duty to report: laymen. Where no physician is in attendance, it shall be the duty of every person who employs or has charge of any person presumably suffering from tuberculosis in a communicable form, to report the same and all facts in relation to the illness and physical condition of such person to the Department of Health.

Regulation 5. Laboratories to report. It shall be the duty of all commercial or other laboratories providing diagnostic tests for the tubercle bacillus to report in writing within 24 hours to the Department of Health the name, address, sex, color and age of such persons whose specimens reveal the presence of tubercle bacilli. It shall also report the name of the physician or agency or others referring the specimens for examination.

Regulation 6. Duty of persons affected with tuberculosis. Every person affected with tuberculosis shall comply with the regulations of the Board of Health and shall not by a negligent act, cause, contribute to or promote the spread of such disease.

Regulation 7. Persons with tuberculosis in communicable form not to be employed. Every person affected with tuberculosis in a communi-

cable form is prohibited from working in a shop, factory, office or as a domestic servant at any place in which he or she may be in close contact with children or other persons, without the approval of the Department of Health. Where such employee, after being warned, refuses to change his or her occupation or observe the rules and regulations of the Department of Health, the Commissioner thereof, in his discretion, may notify the employer of the condition of such infected person.

Regulation 8. Records to be confidential. All reports of cases of tuberculosis made in accordance with the provisions of this section, and all records of clinical or laboratory examinations for or indicating the presence of tuberculosis, are confidential and shall not be open to inspection by the public or by any person other than the Commissioner of Health, an authorized representative of the Department of Health, and such other persons as may be authorized by law to inspect such reports and records, without the consent in writing of the person whose record it is or his legal representative.

The Commissioner of Health or his authorized representative may furnish such information as he deems proper and necessary to a physician or institution giving further treatment to a person affected with tuberculosis, or an agency approved by the Commissioner of Health for the purpose of prevention, treatment or social care.

Except as provided by law, no custodian of any report or record mentioned in this section, the Commissioner of Health or any other person, institution or agency having control of or access to such reports or records shall divulge any part thereof so as to disclose the identity of the person to whom it relates.

Regulation 9. Duty of person in charge of children to exclude all persons known to be affected with tuberculosis. No principal, superintendent, master, teacher or instructor in any educational institution or person in charge of an agency giving care to children and no parent, guardian or custodian of any child or minor shall permit such child or minor to be exposed to contact with any person affected with tuberculosis either in an active or potentially communicable form, nor permit any child or minor having tuberculosis in an active or potentially communicable form to attend any public, private or parochial school or any agency giving care to children.

Regulation 10. Personnel; schools; agencies giving care to children. (a) The Board, officers, or other persons having charge, management or control of an educational institution or an agency giving care to children shall require biennially of all teachers and other employees who work in educational institutions or agencies giving care to children and who come in contact with the students or children, and for new appointees at time of appointment, a certificate from a physician, on a form furnished by the Department of Health, certifying such teacher or other employee to be free from active tuberculosis. The certificate shall be based on a chest X-ray provided by the physician or the Department of Health. When the X-ray is provided by a physician, such teacher or employee shall submit the X-ray, properly identified, and certificate on form furnished by the Department of Health of The City of New York to the authorities of the educational institution or agency giving care to children not more than thirty (30) days after the taking thereof, for review by the Department of Health. In every case where the X-ray so submitted is not satisfactory, an X-ray of the chest of such teacher or employee shall be made by the Department of Health. The authorities of the educational institution or agency giving care to children shall place and keep on file the certificate of freedom from disease in communicable form but no such certificate shall be placed on file unless the X-ray has been made or reviewed by the Department of Health. Where the X-ray discloses a suspicious condition which cannot be properly evaluated on a single X-ray, such fact shall be endorsed on the certificate and the chest of such teacher or employee shall be further X-rayed, his sputum examined and such physical examinations by the Department of Health as may be indicated, made at such intervals as the said Department may require.

(b) No teacher or other employee affected with tuberculosis in a communicable or potentially communicable form shall be allowed to return to duty unless evidence, satisfactory to the Department of Health, is provided indicating freedom from such disease in a communicable form.

Regulation 11. Duty of school or agency to exclude children affected with tuberculosis. No child or minor having recently suffered from tuberculosis in any form may be readmitted to school or to an agency giving care to children, except:

(a) Upon an authorization in writing from a qualified physician of the Department of Health.

(b) Upon presentation to the Department of Health of X-ray plates of the chest made by a private physician which plates are acceptable to the Department of Health.

(c) Upon the reports of an examination, including X-rays of the chest, made at a place designated by the Department of Health.

Regulation 12. Teachers, instructors and others in educational institutions and agencies giving care to children. No principal, superintendent, master, teacher, instructor, custodian or other persons living within a family in which a case of tuberculosis in an actively or potentially communicable form exists, or has recently existed, shall be permitted to teach or work in any public, private or parochial school or other educational institution or agency giving care to children. Such persons may be readmitted to such public, private or parochial school or other educational institution or agency giving care to children after written permission has been given by a duly authorized physician of the Department of Health or by a private physician if the report of the said physician, including an X-ray of the chest, is acceptable to the Department of Health.

Regulation 13. Food handlers. The term "food handler" as used in this section and regulations thereunder shall mean and imply any person who comes in direct contact with food intended for sale or use for human consumption. No person shall knowingly employ or retain in his employ as a food handler any person affected with tuberculosis in an actively or potentially communicable form. No person so affected shall work as a food handler, whether in his own or others' employ, knowing himself to have or having reason to believe that he has tuberculosis in an actively or potentially communicable form.

Regulation 14. Conditions required for non-hospitalized patients suffering from tuberculosis in an actively or potentially communicable form who live in a home, rooming house or other living quarters. No person affected with pulmonary tuberculosis in an actively or potentially communicable form shall be permitted to remain at home unless the following accommodations and facilities are provided therein:

(a) Each such individual shall have adequate individual sleeping accommodations. The room or rooms occupied by the patient for sleeping shall not be so occupied by any other non-tuberculous person.

(b) The room or rooms shall be well lighted and ventilated as required by Section 54 of the Sanitary Code.

(c) Each patient shall have separate individual eating and drinking utensils. Such utensils shall be kept separate and apart from those of other members of the household and shall be washed separately in hot water and soap or boiled after being used by such person.

(d) The expectoration of such person shall be disposed of by being deposited in suitable receptacles or tissues placed in paper containers. Such tissues or paper containers shall be burned or disposed of in water-flushed and sewer-connected toilets, and metal, china or glass receptacles shall contain a suitable disinfectant and shall be cleaned and boiled after use.

(e) The patient shall comply strictly with the conditions imposed in the circular of instruction and advice issued or approved by the Department of Health and served personally upon him by the duly authorized representative of said Department.

(f) Each non-hospitalized person suffering from tuberculosis in an actively or potentially communicable form shall be registered and treated at a tuberculosis clinic of the Department of Health or shall be under the supervision of a physician licensed to practice medicine in the State of New York or by a physician in another state whose license is accredited by the State of New York.

Every new case of pulmonary tuberculosis reported to the Department of Health shall be visited at home immediately. The nurse's report thereunder shall show (1) whether the accommodations and facilities are adequate for suitable isolation; (2) whether the regulations of the Department of Health are being followed; (3) whether the patient or any members of his family residing with him are engaged or employed in any occupation in which tuberculous persons are prohibited employment; (4) the number, age and sex of contacts, and whether they have been examined or not.

Regulation 15. Supervision of tuberculous patient at home. A person affected with an actively or potentially communicable form of tuberculosis may be treated at home (1) if under the regular supervision of a physician, and (2)

if the patient is properly isolated and the accommodations and facilities for his care are adequate. The term "regular supervision of a physician" shall be taken to mean and include the following: (1) The physician having the care and supervision of such a patient shall report to the Department of Health on forms furnished to him for such specific purposes every six (6) months stating whether the patient still resides at the original address given and if not, of any change of address of his patient. The report shall indicate the stage and clinical status of the disease with dates and results of sputum and X-ray examination, (2) every physician shall inform the Department of Health of every such case of tuberculosis in an actively or potentially communicable form that passes from his professional care, or if the patient fails to observe the necessary sanitary precautions, (3) the physician shall provide for the examination of all contacts who reside in the home in which a case of tuberculosis in an actively or potentially communicable form is under his care and supervision. Such examination shall include an X-ray examination of adults and an X-ray examination of all children who react positively to the tuberculin test. If unable to make such examination himself within a reasonable period after reporting a case, the physician shall report this to the Department of Health which may take such measures as are necessary to secure such examination at a place designated by the Department. The physician shall re-examine such contacts at stated times on the basis of minimum standards determined by the Department of Health and shall make available to the Department of Health the report of all examinations and X-rays made of such contacts if required by the Department.

Regulation 16. Removal of persons affected with tuberculosis in a communicable form. Whenever a duly authorized physician of the Department of Health shall report in writing that any person is affected with tuberculosis in an active or potentially communicable form, and under such circumstances that the continuance of such persons in the place where he or she may be, is, or is likely to be dangerous to the lives and health of other persons, the Commissioner, Deputy Commissioner or Director of the Bureau of Tuberculosis of the said Department, upon the report from such duly authorized physician, may cause the removal of such persons to a hospital designated by the Board of Health.

Regulation 17. Detentions; unlawful conduct; criminal prosecution.

(a) It shall be unlawful for a person detained in a hospital pursuant to an order of the Board of Health to conduct himself or herself in a disorderly manner while in said hospital, or to leave said hospital unless discharged by competent medical authority.

(b) Where, in the opinion of the medical officer in charge, such detained person by his disorderly conduct in a hospital, violates any provision of Section 722 of the Penal Code, the medical officer or any of his assistants may make and submit a complaint against such person before a City Magistrate for violation of said section and in the prosecution of an action upon said complaint the medical officer shall deliver the detained person to the court for arraignment, trial and disposition of the action.

(c) Where a detained person has left the hospital without having been discharged therefrom and has been apprehended and returned to the hospital, the medical officer is authorized to deliver such person to the court for arraignment, trial and disposition of any action instituted for violation of this regulation.

(d) If in an action prosecuted as aforesaid, such person is found not guilty, he or she shall be returned to the hospital and detained until discharged. If such person is found guilty, the medical officer at the time of sentence shall make request through the Department's legal representative in charge of the case to the presiding magistrate that the defendant be committed to a penal institution which has hospitalization facilities and there detained until such time as physical and laboratory examinations show the active physical phase of his condition to be arrested or non-communicable.

Regulation 18. Persons having tuberculosis in an actively or potentially communicable form not to engage in manufacturing in tenement houses or multiple dwellings. No person affected with tuberculosis in an actively or potentially communicable form shall engage in the manufacture, altering, repairing or finishing of any article whatsoever except for his exclusive personal use, in any tenement house or multiple dwelling or part thereof, unless written permission therefore shall have been obtained from the Department.

Any person engaged in the manufacture, altering, repairing or finishing of any article whatsoever except for the exclusive use of the person so engaged, shall, whenever required by the Director of the Bureau of Tuberculosis of the Department of Health, submit to a physical examination and/or X-ray by a

duly authorized physician acceptable to the Department of Health.

(Adopted September 9, 1947; formerly in §89 Regulations.)

§88. Duty of persons in charge of hospitals, dispensaries and other institutions and of physicians, to report cases of venereal diseases.

1. It shall be the duty of the manager, superintendent or person in charge, of any correctional institution and of every hospital, dispensary, clinic, asylum or charitable institution in The City of New York, promptly to report to the Department of Health the full name, or initials, together with the address, sex, age, marital state and occupation of every occupant or inmate thereof or person treated therein, affected with syphilis, gonorrhea, chancroid, lymphogranuloma venereum or granuloma inguinale; and it shall also be the duty of every physician in the said city promptly to make a similar report to the Department of Health relative to any person found by such physician to be affected with syphilis, gonorrhea, chancroid, lymphogranuloma venereum or granuloma inguinale.

2. All reports made in accordance with the provisions of this section and all records of clinical or laboratory examinations for or indicating the presence of syphilis, gonorrhea, chancroid, lymphogranuloma venereum or granuloma inguinales, shall be regarded as confidential and shall not be open to inspection by the public or by any person other than the Commissioner of Health, an authorized representative of the Department of Health and such other person as may be authorized by law to inspect such reports or records, and in addition thereto, in Health Department clinic cases, the Commissioner of Health or his authorized representative may furnish such information as he deems appropriate to a physician or institution giving further treatment, or to a midwife or any agency approved by the Commissioner of Health for the purpose of prevention, treatment or social care. The custodian of any such report or record, the said Commissioner, or any such other person, institution or agency shall not divulge any part of any such report or record so as to disclose the identity of the person to whom it relates, except as provided by law.

3. It shall be the duty of every physician to furnish and deliver to every person found to be affected with syphilis, gonorrhea, chancroid, lymphogranuloma venereum or granuloma inguinale, a circular of instruction and advice, issued or approved by the Department of Health of The City of New York, and to instruct every person found by such physician to be affected with syphilis, gonorrhea, chancroid, lymphogranuloma venereum or granuloma inguinale as to the precautions to be taken in order to prevent the communication of the disease to others. No person affected with syphilis, gonorrhea, chancroid, lymphogranuloma venereum or granuloma inguinale, and no physician treating such a person and no hospital, dispensary, clinic, asylum, charitable or correctional institution, where such a person is being treated, shall fail to comply with the regulations of the Board of Health or by a negligent act, cause, contribute to or promote the spread of such disease.

4. Every physician attending pregnant women during gestation shall in the case of every woman so attended take or cause to be taken a sample of blood of such woman at the time of first examination and submit such sample to an approved laboratory for a standard serological test for syphilis. Every other person permitted by law to attend upon pregnant women but not permitted by law to take blood tests, shall cause a sample of the blood of such pregnant woman to be taken by a duly licensed physician and submitted to an approved laboratory for a standard serological test for syphilis.

(Amended June 28, 1917, October 22, 1935, April 12, 1938, June 8, 1939, May 11, 1946 and June 11, 1946.)

REGULATIONS

Section 88: Regulations 1-11 governing the examination, treatment, isolation and detention of persons affected with venereal diseases.

(Amended by resolution filed with City Clerk May 15, 1943 and published in *The City Record* May 18, 1943; Regulation 10 further amended by resolution filed with City Clerk December 16, 1943 and published in *The City Record* December 20, 1943.)

Regulation 1. Medical examination; results to be reported.

(a) Whenever a person is required under and by virtue of the provisions of Section 343gg or Section 343hh of Article 17-b of the Public Health Law, to submit to a medical examination for the purpose of ascertaining whether or not such person is suffering from or infected with syphilis, gonorrhea, chancroid, lymphogranuloma venereum or granuloma inguinale, in a communicable form, such examination shall be made by a physician of the Department of Health of The City of New York, or, at the option of the person to be examined, by a licensed physician engaged by such person who, in the opinion of the Director of the Bureau of Social Hygiene of the Department of Health of The City of New York, is qualified for this work and is approved by him, and shall include the following:

(1) An examination of the skin of the entire body, including the anal and peri-anal regions, to determine the presence or absence of manifestations of syphilis.

(2) An examination of the mucous membrane of the mouth, throat, nose, and of the genitalia, so far as accessible, to determine the presence or absence of manifestations of syphilis.

(3) An examination of the genitalia and anal region to determine the presence or absence of gonorrhea and/or chancroid.

(b) It shall be the duty of every physician making such medical examination to file, with the Department of Health of The City of New York, within twenty-four (24) hours thereafter, a report of the result of each examination upon official forms furnished by the Department of Health for such purpose. The Director of the Bureau of Social Hygiene shall determine, from said report and from the laboratory information provided in Regulation 3, whether the person is suffering from or infected with a venereal disease in a communicable form.

Regulation 2. Specimens of blood and bodily discharges to be obtained.

(a) It shall be the duty of every physician making the medical examination in accordance with the provisions of Section 343gg, of Article 17-b of the Public Health Law, to obtain, at the time of such examination, a specimen of blood from the person so examined for the purpose of making an approved serological test for syphilis; specimens of the bodily discharges from the urethra and the prostate gland, in the case of male persons, and from the urethra vagina, cervix, and Bartholin's glands, in the case of female persons, for the purpose of laboratory examinations. Such physicians shall place all specimens obtained as aforesaid in suitable containers, to each of which said containers shall be affixed a label or tag the following information shall be clearly and legibly set forth in English:

(1) Name, age, and address of the person from whom such specimens have been obtained.

(2) Date when such specimens were obtained.

(3) Name and address of physician obtaining such specimens.

(b) Such specimens shall thereafter be promptly delivered to a laboratory of, or one approved by, the Board of Health of the Department of Health The City of New York, and in no event later than twenty-four (24) hours from the time such specimens have been obtained. In every case of a suspicious primary lesion of syphilis, such examining physician shall immediately refer the patient to a Health Department clinic or such an approved laboratory for dark field examination.

Regulation 3. Specimens of blood and bodily discharges to be promptly examined. All specimens of blood and bodily discharges, delivered by a physician to a laboratory of, or one approved by, the Board of Health of the Department of Health of The City of New York, in accordance with the provisions of Regulation 2 of these Regulations, must be examined by a duly qualified person, who shall, within twenty-four (24) hours after the receipt thereof, report the result of such examinations, upon official forms furnished for such purpose, to the Director of the Bureau of Social Hygiene and to the physician delivering such specimen to the laboratory.

Regulation 4. Treatment. Every person who by an examination as provided for in Section 343gg of Article 17-b of the Public Health Law, is found to be suffering from or infected with syphilis, gonorrhea, chancroid, lymphogranuloma venereum or granuloma inguinale, in a communicable form, or who is reported to the Department of Health as suffering from or infected with syphilis, gonorrhea, chancroid, lymphogranuloma venereum or granuloma inguinale, in a communicable form, shall submit to an approved prescribed course of treatment, including in the case of syphilis, the use of arsphenamine or its analogues and either bismuth or mercury, or both, administered by approved methods, unless there are specific contraindications to the use of any one of these drugs, and in the case of gonorrhea the use of suitable medicinal preparations.

Regulation 5. Isolation. Every person who by the examination as provided for in Section 343gg of Article 17-b of the Public Health Law, is found to be suffering from or infected with syphilis, gonorrhea, chancroid, lymphogranuloma venereum or granuloma inguinale, in a communicable form, or who is reported to the Department of Health as suffering from or infected with syphilis, gonorrhea, chancroid, lymphogranuloma venereum or granuloma inguinale, in a communicable form, shall be removed to a hospital designated by the Board of Health of the Department of Health of The City of

New York, unless the following accommodations, facilities, and requirements can be and are provided at the home of such person for the proper isolation, medical care and treatment of such infected person:

(a) An infected person shall be treated by a duly licensed physician, provided that when such infected person has been examined under Section 343gg of Article 17-b of the Public Health Law, said physician shall be approved by the Director of the Bureau of Social Hygiene. Such infected person shall visit, or be visited by, such physician at intervals as may be required to administer an approved course or courses of treatment.

(b) The room or rooms occupied by such infected person shall be separate and apart from the room or rooms occupied by other persons.

(c) Such infected person shall have a separate bed for his or her exclusive use.

(d) A separate toilet and separate washing facilities must be provided for the exclusive use of such infected person.

(e) All the personal and bed linen, wash cloths, and sponges used by such infected person shall be kept separate and apart from those used by any other person and when soiled must be boiled or otherwise properly sterilized or destroyed on premises.

(f) Whenever such person is suffering from or infected with syphilis, in communicable form, and likely to infect or to be the source of infection of any other person, all eating and drinking utensils used by such person must be kept separate and apart from those used by other persons and shall be boiled after each and every use.

(g) Whenever such person is suffering from or infected with syphilis, in communicable form, and is likely to infect or to be the source of infection of any other person, combs, hair brushes, nail files, toothbrushes, and other toilet articles used by such person shall be used exclusively by such infected person and shall be kept separate and apart from those used by other persons and shall be thoroughly cleansed after each use.

Regulation 6. Prohibited acts and employment. Whenever such person is suffering from or infected with syphilis, in communicable form, and is likely to infect or to be the source of infection of any other person, such infected person shall not eat or drink in any hotel, restaurant, drug store, or other public eating or drinking place, nor shall any such infected person use any eating or drinking utensil at any place where food or drink is served, sold, or dispensed to the public nor engage in the preparation or manufacture of food, drink, beverage, cigars, tobacco, liquors, smoking pipes, cigar or cigarette holders, toothbrushes, intended for human use, except for the sole and exclusive use of the person so engaged, nor shall any such infected person sell or distribute any such articles.

No person suffering from or infected with syphilis, gonorrhea, chancroid, lymphogranuloma venereum or granuloma inguinale in a communicable form, shall engage in occupations of personal service in which he or she may infect others, such as nurse or nursemaid, domestic servant, barber, hair dresser, chiropodist, bath attendant, masseur or wet nurse.

(Regulation 6 amended September 9, 1947.)

Regulation 7. Removal of infectious persons or release from penal institution to hospital designated by the board of health. Whenever a convicted person, as defined by Section 343hh of Article 17-b of the Public Health Law, has been found, after the medical examination provided for in Section 343gg of said law, to be suffering from or infected with syphilis, gonorrhea, lymphogranuloma venereum or granuloma inguinale, in a communicable form, and who has been committed by a court of competent jurisdiction to a correctional or penal institution, and who, at the termination of the period of commitment is found by a physician of the Department of Health, or, at the option of the person to be examined, by a licensed physician who, in the opinion of the Director of the Bureau of Social Hygiene, is qualified for this work and is approved by him, to be suffering from or infected with syphilis, gonorrhea, chancroid, lymphogranuloma venereum or granuloma inguinale, in a communicable form, and is likely to be a source of infection to other persons, such infected person shall be removed to a hospital designated by the Board of Health of the Department of Health of The City of New York, unless the accommodations, facilities, and requirements for the isolation and medical care and treatment of such person, as prescribed by Regulations 4 and 5 of these Regulations, can be and are established and provided at his or her home.

Regulation 8. Duty of attending physician in every case of syphilis,

gonorrhea, chancroid, lymphogranuloma venereum or granuloma inguinale in communicable form.

(a) It shall be the duty of every physician immediately upon discovering that any person is suffering from or infected with syphilis, gonorrhea, chancroid, lymphogranuloma venereum or granuloma inguinale, in a communicable form, to cause such person to be isolated in accordance with Regulation 5 of these Regulations. If such physician suspects the presence of syphilis, gonorrhea, chancroid, lymphogranuloma venereum, or granuloma inguinale, in a communicable form, in the person examined, but is unable to make a positive diagnosis at the time, he shall secure the isolation of such patient and take such other necessary precautions as will prevent danger of the spread of the disease until a positive diagnosis is made.

(b) Every physician shall promptly report, in writing, to the Director of the Bureau of Social Hygiene, the refusal, neglect or failure of any person suffering from or infected with syphilis, gonorrhea, chancroid, lymphogranuloma venereum or granuloma inguinale, in a communicable form, who is under his care and treatment, to comply with the requirements of Regulations 4 and 5 of these Regulations.

(c) No physician shall examine or treat any suspected or convicted person as provided for in Section 343gg and Section 343hh, of Article 17-b of the Public Health Law, unless such physician shall first have received the approval, in writing, of the Director of the Bureau of Social Hygiene.

Regulation 9. Termination of isolation and treatment. Whenever it shall appear to the satisfaction of the Director of the Bureau of Social Hygiene that a person, who was suffering from or infected with syphilis, gonorrhea, chancroid, lymphogranuloma venereum or granuloma inguinale, in a communicable form, is no longer likely to infect or to be a source of infection to any other person, the said Director of the Bureau of Social Hygiene may terminate the isolation and treatment of such person, provided for in these Regulations.

Regulation 10. Removal of persons infected with syphilis, gonorrhea, chancroid, lymphogranuloma venereum or granuloma inguinale. Whenever a duly authorized physician of the Department of Health shall report, in writing, to the Director of the Bureau of Social Hygiene of said department that any person infected with syphilis, gonorrhea, chancroid, lymphogranuloma venereum or granuloma inguinale, in a communicable form, has failed, neglected, or refused to comply with the provisions of Regulations 4 or 5 of these regulations and that the continuance of such person in the place where he or she resides is dangerous or is likely to be dangerous to the lives or health of other persons, said director may cause the removal of such person to a hospital designated by the Board of Health of the Department of Health of The City of New York. The report referred to shall contain a detailed statement showing the facts and evidence including the clinical and laboratory findings, if practical, and facts as to home conditions and prior medical treatment upon which such duly authorized physician of said department bases his opinion that such person is or is likely to be a danger to others. Upon the receipt of said report, the said Director of the Bureau of Social Hygiene shall review the facts and evidence embodied in or accompanying said report and if, in his opinion, the person referred to thereon is, under the circumstances, dangerous or is likely to be dangerous to the lives or health of other persons, he shall issue an order to the medical officer in charge of a hospital designated by the Board of Health of the Department of Health of The City of New York, authorizing and directing the removal of such person from the place where he or she may be to such hospital. The original order authorizing and directing the removal of such person to the hospital shall be delivered to the medical officer in charge of said hospital and shall constitute his authority to remove to, and detain such person at such hospital for proper medical care and treatment. During the period of such detention, the prescribed course of treatment, provided for in Regulation 4, of these regulations, shall be administered to such person. Such person shall be detained at such hospital until such time as the medical officer in charge of such hospital determines that such person is no longer likely to infect or to be a source of infection of any other person. Upon determining such fact, the said medical officer in charge of such hospital shall make a written report to the Director of the Bureau of Social Hygiene of the Department of Health recommending the discharge of such person. The Director of the Bureau of Social Hygiene shall thereupon order the discharge of such person from such hospital. Provided, however, if the medical officer in charge of a hospital wherein such person is detained does not recommend the discharge of any person in the manner hereinbefore provided, such

detained person may make application to the Director of the Bureau of Social Hygiene to be discharged. The said director shall thereupon make an investigation of all the facts including the circumstances surrounding the detention of such person and determine whether or not such person can be discharged without danger to the lives or health of other persons. If said director shall determine that such person is no longer likely to infect or to be a source of infection to other persons, he shall direct the medical officer in charge to discharge such person from such hospital. If the said director, however, determines that such person, if released from such hospital, is likely to infect or to be a source of infection of other persons, he shall deny the application and notify such detained person of his decision. In no cases shall a person, previously convicted under subdivisions 3 or 4 of Section 887 of the Code of Criminal Procedure, Sections 1090, 1146, 1148 or 2460 of the Penal Law of the State of New York, or Section 350 of the Multiple Dwelling Law, be released from such hospital upon an application under this regulation unless such person is no longer infected with syphilis, gonorrhea, chancroid, lymphogranuloma venereum or granuloma inguinale, in a communicable form.

Regulation 11. Interpretation. Whenever in these regulations the words "syphilis, gonorrhea, chancroid, lymphogranuloma venereum or granuloma inguinale, in communicable form" are used, the same shall, for all purposes, be deemed synonymous with the term "infectious venereal disease" as used in Article 17-b of the Public Health Law.

§89. Duty of every person to report persons affected with a communicable disease.

When no physician is in attendance, it shall be the duty of every person having knowledge of any person affected with any disease apparently or presumably communicable to report at once to the Department of Health all facts in relation to the illness and physical condition of any such person. (S. C. §136; amended October 22, 1935. §87 renumbered §89 September 9, 1947.)

§90. Criminal abortion or miscarriage; duty to report.

It shall be the duty of the manager, superintendent or person in charge of any hospital, sanitarium, dispensary or other institution for the care and treatment of persons in The City of New York and of every physician in said city to immediately notify the Department of Health by telephone of any case of abortion or miscarriage where criminal practice is discovered or suspected. (*Former §90 repealed October 22, 1935; former §91a adopted October 31, 1933, renumbered §90 October 22, 1935.*)

§91. Isolation of persons affected with communicable disease, et cetera; quarantine of premises and exclusion of contacts.

It shall be the duty of every physician, immediately upon discovering a person affected with, or suspected of having a communicable disease, or being a carrier of communicable disease, or being a carrier of communicable disease germs, to secure such isolation of such person, the quarantine of the premises, the exclusion of contacts from school or work, and to take such other action, as is or may be required by the regulations of the Board of Health.

The term "contacts" as used herein shall be taken to mean and include school teachers, school principals, school children, school custodians or attendants, attendants of agencies giving day care to children, and librarians. (§89 amended by resolution filed with City Clerk December 19, 1944 and published in *The City Record* December 22, 1944; effective immediately. Formerly §89 renumbered 91, September 9, 1947.)

REGULATIONS

Regulation 1. Investigation, isolation, quarantine and exclusion of contacts. Immediately upon receiving the report of the existence of a case of:

- Anthrax;
- Cholera (Asiatic);
- Diarrhea in the newborn up to 3 weeks of age;
- Diphtheria;
- Glanders;
- Impetigo contagiosa neonatorum occurring in a hospital giving maternity service;
- Leprosy;
- Paratyphoid fever;
- Plague, all forms;
- Poliomyelitis, anterior, acute (infantile paralysis);

- Psittacosis (parrot fever) ;
- Rabies (human) ;
- Smallpox (variola) ;
- Typhoid fever ;
- Typhus fever ;
- Yellow fever ;

—required to be filed with the Department of Health of The City of New York, in accordance with the provisions of Section 86 of the Sanitary Code of The City of New York, the Director of the Bureau of Preventable Diseases of said department shall immediately cause a duly authorized agent of the Department of Health to investigate the same and take such action as may be necessary to prevent the spread of disease, and in the diseases hereinafter provided for in these regulations, secure such isolation of the person affected with the disease, the quarantine of the premises, the exclusion of contacts from school or work, and to take such other action as is or may be required by these regulations, the provisions of the Sanitary Code and the orders of the Board of Health.

In addition to the foregoing, where the Department of Health has reason to believe that a condition exists which is or may be prejudicial to the life and health of the public the Commissioner shall have authority to cause a duly authorized agent of the Department of Health to investigate the same and take such action as may be necessary to prevent the spread of disease.

Regulation 2. Persons affected with communicable disease to be removed to a hospital unless proper isolation and quarantine maintained. Persons affected with or suspected of having any of the communicable diseases enumerated in Section 86 of the Sanitary Code, or of being a carrier of communicable disease germs, shall be removed, pursuant to Section 97 of the Sanitary Code, to a hospital designated by the Board of Health of The Department of Health of The City of New York, unless proper isolation of the patient, quarantine of the premises and the exclusion of contacts from school or work is established and maintained without danger to the life and health of other persons.

Regulation 3. Establishment of quarantine. Quarantine of the premises occupied by a person affected with diphtheria, typhoid or paratyphoid fever shall be established by the personal service of the following quarantine notice upon the head of the family or other persons having the charge, custody or control of the person affected with such disease, to wit:

To: Name

Premises

A report having been filed in the Department of Health of The City of New York, in conformity with the provisions of Section 86 of the Sanitary Code of The City of New York, that....., age....., residing at the above mentioned premises, is affected with....., a communicable disease dangerous to the public health and proper and adequate accommodations and facilities being provided for the isolation of the said person and the quarantine of the said premises in conformity with the provisions of Section 91 of the Sanitary Code and the Regulations of the Board of Health supplemental thereto, permission is hereby granted for such person to remain thereat, provided that the provisions of the Sanitary Code and the Regulations of the Board of Health, are strictly complied with and no danger to the public health results from the continuance of such person at said premises.

You are hereby warned that failure to comply with said provisions of the Sanitary Code and the said Regulations, may result in the removal of the person affected with the disease as aforesaid, to a hospital designated by the Board of Health of the Department of Health of The City of New York, criminal prosecution, or both.

By order of the Board of Health.

.....
Commissioner of Health.

Dated

By

Title

Regulation 4. Minimum periods of isolation, quarantine and exclusion of contacts for certain communicable diseases. For the purpose of these regulations, the minimum periods of isolation of patient, quarantine of premises and exclusion of contacts for the communicable diseases herein mentioned shall be maintained as follows:

A. DIPHTHERIA.

Isolation and quarantine: For seven (7) days after the onset of the disease and until two (2) sets of cultures from the nose and throat, taken not less than twenty-four (24) hours apart, are negative. If the cultures remain positive after twenty-one (21) days, a culture may be submitted for a virulence test, and if found avirulent, isolation and quarantine may be terminated.

Exclusion of contacts: If the contact remains at home, he shall be excluded from school or work until one set of negative cultures from the nose and throat has been obtained from the contact after the case has been released from isolation. If the contact moves to another address, or if the case is removed to a hospital or dies, the contact shall be excluded from school or work until one set of negative cultures has been obtained from said contact after such change of address, death, or removal of case to a hospital.

B. STREPTOCOCCAL SORE THROAT INCLUDING SCARLET FEVER.

Isolation and quarantine:

Uncomplicated case—Until the mucous membranes of the nose and throat appear normal, but for not less than seven (7) days after onset of disease.

Complicated case—(Discharging nose and ears, mastoids, enlarged or suppurating glands, pneumonia)—Until complication ceases except that if complication persists for forty-five (45) days from onset, to cultures not less than twenty-four (24) hours apart may be taken, and if negative for streptococcus hemolyticus, case may be discharged. Such cultures must be submitted to and examined by the laboratory of the Department of Health.

Exclusion of contacts: Contacts are not excluded from school or work.

C. POLIOMYELITIS, ANTERIOR, ACUTE.

Isolation: Until the end of the febrile stage. Case may be admitted to a general hospital ward, provided the patient is adequately isolated by a cubicle or screen.

D. MENINGITIS, MENINGOCOCCUS, INCLUDING MENINGOCOCCEMIA.

Isolation: Until the end of the febrile stage. Case may be admitted to a general hospital ward, provided the patient is adequately isolated by a cubicle or screen.

E. MEASLES.

Isolation: Until five (5) days after the appearance of the rash.

Exclusion of contacts: Contacts are not excluded from school or work.

F. TYPHOID AND PARATYPHOID FEVER.

Isolation: Until ten (10) days after temperature reaches and remains normal and thereafter until two stools, taken not less than forty-eight (48) hours apart, are negative for B Typhosus or B Paratyphosus, as the case may be.

Follow-up: Recovered cases of typhoid or paratyphoid fever, shall submit, commencing ninety (90) days after discharge from isolation, at least four (4) stool specimens, not less than three months apart. If during this period any of these stool specimens are reported as having B Typhosus or B Paratyphosus as the case may be, the person shall come within the provisions of Regulation 12 of this section.

Exclusion of contacts: No contact is required to be excluded from school or work except a foodhandler. If the foodhandler remains at home, he shall be excluded from work until two negative stools taken at least twenty-four (24) hours apart have been obtained from such foodhandler after the case has been released from isolation. If the foodhandler moves to another address, or if the case is removed to a hospital or dies, the foodhandler shall be excluded from work until two negative stools taken at least twenty-four (24) hours apart have been obtained from such foodhandler after such change of address, death or removal of a case to a hospital.

G. DYSENTERY, AMEBIC OR BACILLARY.

Supervision of patient: After adequate treatment and complete subsidence of symptoms, patient who has suffered from dysentery, amebic or bacillary, may be released from supervision except as hereinafter provided. Where the case is a foodhandler, he may be released from supervision when three stool specimens, taken not less than twenty-four (24) hours apart, fail to disclose the presence of endameba histolytica or bacillus dysenteriae.

H. CHICKEN-POX.

Isolation: Until seven (7) days from onset.

Exclusion of contacts: Contacts are not excluded from school or work.

I. GERMAN MEASLES.

Isolation: Until five (5) days after the appearance of the rash.

Exclusion of contacts: Contacts are not excluded from school or work.

J. MUMPS.

Isolation: Until all swelling of the infected glands has disappeared.

Exclusion of contacts: Contacts are not excluded from school or work.

K. WHOOPING COUGH.

Isolation: Until two weeks after the appearance of the whoop. Case may return to school three (3) weeks after onset of whoop.

Exclusion of contacts: Contacts are not excluded from school or work.

L. SMALLPOX.

Isolation: Case must be removed to a contagious disease hospital forthwith. Case may be released when all lesions are healed and scabs have fallen off.

Exclusion of contacts: All residents of the building, unless excepted by the Department of Health, in which a case of smallpox develops, and all individuals visited by the person affected or who visited such person in the period from five (5) days before the onset of the disease in the patient up to the time the patient was hospitalized or if not hospitalized released from isolation or died, shall be considered contacts. All such contacts shall be kept under observation for twenty-one (21) days after the date of last exposure to the patient, and all contacts within the definition of the term "contact" in Section 91 of the Sanitary Code shall be excluded from school or work for a similar period, provided, however, all contacts shall be offered vaccination and those showing an immune reaction may be released from observation and those excluded may return to school or work.

A contact, subject to or while under exclusion, shall not change his address to a home where there are children. Where, under this regulation examination of cultures, stools or other specimens are required for release of cases or contacts, such cultures, stools or specimens must be submitted to and examined by the laboratory of the Department of Health.

Regulation 5. Cultures when diphtheria is suspected. In every case of illness where there is reason to suspect diphtheria, it shall be the duty of the attending physician promptly to take a culture from the nose and throat of such suspected person and submit same for examination to the laboratory of the Department of Health, or such laboratory as may be approved by the Department of Health. Such person shall be isolated until the result of the laboratory examination is received.

Regulation 6. Requirement for isolation, medical care and treatment at home. No person affected with diphtheria, poliomyelitis, anterior, acute (infantile paralysis), streptococcal sore throat including scarlet fever, typhoid or paratyphoid fevers shall be permitted to remain at home unless the following accommodations, facilities and requirements are provided for the isolation, the medical care and treatment at such premises:

(a) There shall be a duly licensed physician in attendance.

(b) Room or rooms where the patient is to be isolated shall be well lighted and ventilated as required by Section 54 of the Sanitary Code. Such room or rooms shall be separate and apart from rooms occupied by other members of the family. All windows of room or rooms must be screened during fly season.

(c) The family of persons affected with poliomyelitis, anterior, acute (infantile paralysis), paratyphoid fever and typhoid fever, must have a separate toilet for their exclusive use.

(d) All eating and drinking utensils used by the patient must be kept apart from those used by the other members of the family until boiled.

(e) In cases of paratyphoid and typhoid fever the personal and bed linen of the patient must be properly disinfected. Proper disinfection, within the meaning of the regulation, shall be the boiling of such linen or by chemical disinfection thereof in the manner and in accordance with the requirements specified in the circular of instruction issued by the Department of Health.

(f) In cases of poliomyelitis, anterior, acute (infantile paralysis), paratyphoid fever and typhoid fever, the patient must have a special attendant who must not do any housework duties for other members of the family. He or she may, however, leave the house provided necessary precautions as to personal disinfection are observed and contact with all children avoided.

(g) In cases of paratyphoid fever and typhoid fever, all stools except stool specimens required for examination by a duly authorized officer of the Department of Health shall be disinfected immediately with chloride of lime, cresol or other adequate disinfectant satisfactory to the Department of Health, except when passed into water-flushed and sewer-connected toilets.

Regulation 7. Persons to be excluded from isolation room. No person other than the attending physician, nurse, attendant, or person duly authorized by the Department of Health shall enter or be permitted to enter the room occupied by a person affected with diphtheria, poliomyelitis, anterior, acute (infantile paralysis), streptococcal sore throat including scarlet fever, paratyphoid fever and typhoid fever, nor shall any such physician, nurse, attendant or other person cause, suffer or allow any person affected with any of the said diseases as aforesaid, to leave any such room until termination of case.

Regulation 8. Duty of physician to isolate. It shall be the duty of every physician immediately upon discovering a person affected with diphtheria, poliomyelitis, anterior, acute (infantile paralysis), streptococcal sore throat including scarlet fever, paratyphoid fever or typhoid fever, to cause such person to be isolated in a room separate and apart from those occupied by other persons. Provided, however, if the attending physician suspects but is unable to make a positive diagnosis at the time of his first examination or at any subsequent time but is of the opinion that the patient may be affected with a communicable disease, he should secure the isolation of such patient and take such other necessary precautions as will prevent danger of the spread of the disease until a positive diagnosis is made.

Regulation 9. Termination of isolation and quarantine; disinfection, cleansing and renovation. Upon recovery of any person affected with diphtheria, poliomyelitis, anterior, acute (infantile paralysis), streptococcal sore throat including scarlet fever, typhoid fever or paratyphoid fever, the room or rooms occupied by such person and all furniture and belongings therein, shall be adequately disinfected, cleansed or renovated in conformity with the provisions of Section 98 of the Sanitary Code. No such room or rooms shall be occupied by any person until such disinfection, cleansing or renovation shall have been performed and the isolation and quarantine terminated as aforesaid.

Regulation 10. Circular of instruction. A circular of instruction and advice issued or approved by the Department of Health shall be furnished and delivered whenever such visit is made by the duly authorized representative of said Department to all persons responsible for the maintenance of the isolation of the patient and the quarantine of the premises in case of diphtheria, typhoid or paratyphoid fevers.

Regulation 11. Carriers of communicable disease. Any person who is a carrier of communicable disease germs of cholera (Asiatic), diphtheria, dysentery (amebic or bacillary), paratyphoid or typhoid fever, as defined in Regulation 2 of Section 97 of the Sanitary Code, shall be subject to the regulations governing clinical cases of these respective diseases. In the case of diphtheria carriers, cultures for release from isolation may be taken immediately.

Regulation 12. Special requirements for chronic typhoid carriers. The term "chronic typhoid carrier" as used in this regulation shall mean any person who has not shown clinical evidence of typhoid fever or paratyphoid fever within a period of twelve months, but who harbors or discharges typhoid or paratyphoid bacilli, as determined by bacteriological tests of not less than two authentic and different specimens of stool, urine, or other bodily discharges, taken not less than twenty-four (24) hours apart and examined by the laboratory of the Department of Health. However, the provisions of this regulation relating to a chronic typhoid carrier shall not apply to a person who was in contact with a case of typhoid fever or a carrier of typhoid fever germs, and whose positive specimens do not persist after two months following termination of contact with such case or carrier, provided such person complies with the requirements pertaining to stool and duodenal specimens as contained in sub-paragraphs (a) and (b) of paragraph (1) of subdivision (h) herein.

It shall be the duty of every "chronic typhoid carrier" to comply with the following requirements:

(a) Authentic stool or urine specimens shall be submitted as often as may be required by a duly authorized officer of the Department of Health. Such typhoid carrier shall report in person or in writing tri-monthly, to the Department of Health, giving his address, occupation and place of employment, if any.

(b) Such typhoid carrier shall not handle food, drink or dishes that are to be used by others, nor shall he engage in the work of nursing the sick or caring for children.

(c) Such typhoid carrier shall notify the Department of Health promptly of any change of address or place of employment, whether temporary or permanent. No such typhoid carrier shall leave the City of New York nor change his occupation without the consent, in writing, of the Department of Health. When such change of residence or employment has been approved, the Depart-

ment of Health shall forthwith notify the Health Officer of the place in which such typhoid carrier proposes to live or be employed.

(d) All stools, except stool specimens required for examination by a duly authorized officer of the Department of Health, shall be disinfected immediately with chloride of lime, cresol or other adequate disinfectant approved by the Department of Health, except when passed into water-flushed and sewer-connected toilets.

(e) Toilet seats used by such typhoid carrier shall be adequately cleansed after use.

(f) Such typhoid carriers shall thoroughly wash their hands with soap and water, and clean their finger nails, after each use of the toilet.

(g) Upon the wilful refusal of such typhoid carrier to comply with any of the above regulations, said carrier shall be removed to a hospital in accordance with Section 97 of the Sanitary Code.

(h) No chronic typhoid carrier, fecal type, shall be released from the supervision of the Department of Health unless:

(1) The gall bladder has been removed subsequent to the discovery of the carrier state, and in addition all of the following conditions have also been complied with:

(a) At least eight (8) authenticated successive stool specimens collected not less than twenty-four (24) hours apart are reported as containing no typhoid bacilli, and

(b) Three (3) specimens of duodenal contents taken at least twenty-four (24) hours apart, and within one month of the collection of the final stool specimen required in (a) above are also reported as containing no typhoid bacilli. Such duodenal specimens are to be taken in a hospital or institution approved for this purpose by the Department of Health.

(2) Five (5) consecutive stool specimens taken not less than one year apart, are reported as containing no typhoid bacilli, and in addition all the requirements of sub-paragraphs (a) and (b) of paragraph (1) above are complied with.

(i) No other chronic typhoid carriers shall be released from supervision of the Department of Health unless they furnish evidence which is satisfactory to the Department of Health of freedom from the carrier state.

(j) Whenever in this regulation stools or other specimens are required to be reported upon, such cultures, stools or specimens, immediately upon collection, must be submitted to and examined by the laboratory of the Department of Health.

(Formerly §89, renumbered §91 September 9, 1947.)

§92. Exclusion of children and other persons affected with communicable disease from school or agency giving day care to children.

No principal, superintendent, master, teacher or instructor in any school or person in charge of an agency giving day care to children and no parent, guardian or custodian of any child or minor (having power and authority to prevent), shall permit any child or minor or any other person to be exposed unnecessarily to any person having a communicable disease; nor permit any child or minor suffering from any of the communicable diseases enumerated herein, to attend any public, private or parochial school or agency giving day care to children, and no principal, superintendent, master, teacher, instructor, custodian or other person suffering from any of the said communicable diseases shall be permitted to attend or be employed in any public, private or parochial school or agency giving day care to children:

- Chicken-pox,
- Cholera,
- Conjunctivitis, acute infectious,
- Diphtheria,
- Dysentery, amebic or bacillary,
- German measles (Rubella),
- Gonococcal infection (Gonorrhea),
- Measles,
- Meningitis, meningococcus (epidemic cerebrospinal meningitis).
- Mumps,
- Paratyphoid fever,
- Poliomyelitis, anterior, acute (infantile paralysis),
- Streptococcal sore throat, including scarlet fever,
- Smallpox,
- Syphilis,
- Trachoma,
- Tuberculosis, pulmonary (if in a communicable form).

Typhoid fever,
Whooping cough.

A child or minor, or a principal, superintendent, master, teacher, instructor, custodian or other person having recently recovered from a disease in the above list or living with any family in which any of the diseases in the above list exists or has recently existed, may be readmitted to a school, or to an agency giving day care to children, in accordance with Regulation 22, subdivision (f), 1, 2 and 3 of Section 200 of the Sanitary Code. In a case of tuberculosis, a physician may make the examination, including an X-ray, and if the report is acceptable to the Department of Health, permission for readmission will be granted; otherwise the examination, including X-ray, shall be made at a place designated by the Department of Health.

(Adopted September 9, 1947.)

§93. Group of cases of food poisoning; duty of persons in charge of hospitals, and of physicians, to report.

(Repealed September 9, 1947, transferred to §86.)

§94. Exclusion of children from school or agency giving day care to children.

(Repealed September 9, 1947.)

§94. Isolation of persons affected with communicable diseases in institutions.

It shall be the duty of the manager, superintendent, or person in charge, of every sanitarium, agency giving day care to children, convalescent home, home for children reformatory, training school, boarding school, hospital, dispensary, or other institution for the care or treatment of persons, in The City of New York, to provide and maintain a suitable room and rooms for the isolation and cause the immediate isolation of persons affected with or suspected of having any of the following diseases, in accordance with the regulations of the Board of Health:

Chicken pox.

Cholera (Asiatic).

Diarrhea in the new born up to three weeks of age.

Diphtheria.

Diphtheria carrier-virulent.

German measles (Rubella or Rotheln).

Impetigo contagiosa neonatorum occurring in a hospital giving maternity service.

Measles.

Mumps.

Plague, all forms.

Streptococcal sore throat including scarlet fever.

Smallpox.

Whooping cough.

(Sec. 96 amended by resolution filed with City Clerk December 19, 1944 and published in The City Record December 22, 1944; effective immediately. Formerly §96, renumbered §94.)

REGULATIONS GOVERNING THE ISOLATION OF PERSONS, AFFECTED WITH COMMUNICABLE DISEASES IN INSTITUTIONS

Regulation 1. Definitions.

(a) **Large hospitals.** The term large hospitals as used in these regulations shall mean hospitals with one hundred or more beds for the accommodation of patients.

(b) **Small hospitals.** The term small hospitals as used in these regulations shall mean hospitals with accommodations for patients up to the number of one hundred.

(c) **Large institutions for children.** This term as herein used shall apply to institutions having one hundred or more inmates.

(d) **Small institutions for children.** This term as herein used shall apply to institutions having accommodations for inmates up to the number of one hundred.

Regulation 2. Isolation rooms; requirements. Every isolation room or every group of such isolation rooms so arranged as to constitute a ward unit, shall be provided with suitable entrances, exits, toilet accommodations, and kitchen, so arranged as to render possible the complete isolation of every such room or ward unit from the rest of the hospital or other institution.

Regulation 3. Capacity of room regulated. The capacity of any isola-

tion room shall be sufficient to allow for each bed not less than 100 square feet of floor space.

Regulation 4. Number of rooms required in large hospitals (containing 100 or more beds). The minimum accommodations to be provided in large hospitals for the isolation of communicable disease cases shall be two rooms. In hospitals accommodating more than 300 patients one bed for every 100 patients shall be provided in such isolation rooms.

Regulation 5. Number of rooms required in small hospitals (containing less than 100 beds). The minimum accommodations to be provided for the isolation of communicable disease cases in small hospitals shall be one room of a size sufficient to accommodate two beds.

Regulation 6. Number of rooms required in large institutions for children (having 100 or more inmates). The minimum accommodations to be provided for the isolation of communicable disease cases in large institutions for children shall be two rooms. In institutions accommodating more than 150 inmates, one bed for every fifty inmates shall be provided in such isolation rooms.

Regulation 7. Number of rooms required in small institutions for children (having less than 100 inmates). The minimum accommodations to be provided in small institutions for children for the isolation of communicable disease cases shall be one room of a size sufficient to accommodate two beds.

Regulation 8. Number of rooms required in institutions for adults. The minimum accommodations to be provided in institutions for adults for the isolation of communicable disease cases shall be one room of a size sufficient to accommodate one bed for every 200 inmates or fraction thereof.

Regulation 9. Number of rooms required in prisons and reformatories. The minimum accommodations to be provided in prisons and reformatories for the isolation of communicable disease cases shall be two rooms of a size sufficient to accommodate two beds in each room.

Regulation 10. Number of rooms required in other institutions. In every dispensary, clinic, nursery, day camp, sanitarium, boarding school, municipal lodging house and police court house, or other place where individuals with a communicable or suspected communicable disease are temporarily isolated there shall be provided at least one room suitable and adequate and satisfactory to the Department of Health for such temporary isolation of cases of communicable diseases. The provisions of Regulations 2 and 3 of these regulations shall not apply to any such institution, place, or premises. (*Adopted March 30, 1915 and amended October 22, 1935. Renumbered §94, October, 1947.*)

§95. Exclusion of teachers, instructors and others affected with certain communicable diseases.

(Repealed September 9, 1947.)

§95. Acts tending to promote spread of disease prohibited.

No person shall by any exposure of any individual sick of any communicable disease, or of the body of such person, or by any negligent act connected therewith, or in respect of the care or custody thereof, or by a needless exposure of himself, cause, contribute to, or promote, the spread of disease from any such person, or from any dead body. This section, however, shall not apply to the exposure, under proper medical supervision, and with the signed consent of a parent or legal guardian, of children under the age of puberty to German measles or to mumps.

(S. C., §143; amended October 22, 1935 and July 8, 1947; formerly §100, renumbered 95 September 9, 1947.)

§96. Conveying of persons affected with a communicable disease through public streets regulated.

No person shall in the City of New York, without permission therefor issued by the Department of Health, convey, carry, move or cause to be conveyed, carried or moved, in any manner whatsoever, through any public street or place, or from any building or vessel to any other building or vessel, or to the shore, nor shall any hospital or institution without such permission receive any person affected with any of the following diseases, or any article which has been exposed to such diseases:

- Cholera (Asiatic);
- Diphtheria;
- Diphtheria carrier-virulent;
- Plague, all forms;
- Smallpox.

§98 amended by resolution filed with City Clerk December 19, 1944 and published in *The City Record* December 22, 1944; effective immediately; formerly §98, renumbered §96 September 9, 1947.)

§97. Removal of person affected with any communicable disease or carrier of communicable disease germs authorized.

Whenever a duly authorized physician of the Department of Health shall report in writing that any person is affected with any communicable disease or is a carrier of communicable disease germs, under such circumstances that the continuance of such person in the place where he or she may be, is or is likely to be dangerous to the lives or health of other persons, the Commissioner, Deputy Commissioner or the Director of either the Bureau of Preventable Diseases, the Bureau of Tuberculosis or the Bureau of Social Hygiene, of the said Department, upon the report of such duly authorized physician, may cause the removal of such person to a hospital designated by the Board of Health in accordance with the regulations of said Board. (§97, as amended, filed with City Clerk June 15, 1939 and published in *The City Record* June 17, 1939.)

REGULATIONS

Section 97: Regulations 1, 3, 4, 6, and 7. (All except 7, amended, by resolution filed with City Clerk June 15, 1939 and published in *The City Record* June 17, 1939; regulation 7 added by resolution filed with City Clerk July 15, 1940 and published in *The City Record* July 16, 1940; effective immediately.)

Regulation 1. Report of duly authorized physician. Whenever a duly authorized physician of the Department of Health submits a report in writing in conformity with the provisions of section 97 of the Sanitary Code to the effect that a person is affected with a communicable disease or is a carrier of communicable disease germs, and is or is likely to be dangerous to the lives or health of other persons, and the Commissioner, Deputy Commissioner or the Director of either the Bureau of Preventable Diseases, the Bureau of Tuberculosis or the Bureau of Social Hygiene, issues an order directing the removal of such person to a hospital designated by the Board of Health, such report and order shall be made upon an official blank approved by the Board of Health. The report shall contain a detailed statement showing the facts and evidence, including the clinical and bacteriological diagnosis if practicable and facts as to home conditions upon which such duly authorized physician bases his recommendation that such person is or is likely to be dangerous to the lives or health of other persons.

Regulation 2. Carrier of communicable germs defined. For the purposes of this section, a person shall be deemed "A carrier of communicable disease germs" if—

- (a) The germs of a communicable disease are present or harbored within the body of a person but the person does not present clinical evidence of such disease and has not suffered from such disease within the period specified herein, namely:

Diphtheria	5 weeks
Cholera (Asiatic)	10 days
Dysentery (Amebic or Bacillary)	10 days
Typhoid or Paratyphoid fever	10 days
Meningitis, meningococcus (Epidemic cerebro-spinal meningitis)	2 weeks
- (b) Epidemiological evidence points to such person as the source of one or more cases of communicable disease and such person refuses to submit specimens of his bodily secretions or excretions to the Department of Health for laboratory examination; or
- (c) Such person is reported as a carrier of communicable disease germs to this Department by the Health authorities of the State of New York or of any City or State or Nation.

Regulation 3. Order. Upon the receipt of the report of the duly authorized physician, hereinbefore referred to, the Commissioner, Deputy Commissioner or the Director of either the Bureau of Preventable Diseases, the Bureau of Tuberculosis or the Bureau of Social Hygiene shall review the facts and evidence embodied in or accompanying said report, and if in his opinion the person referred to therein is under the circumstances dangerous or likely to be dangerous to the lives and health of other persons, shall approve such report, order the removal of the said person and forward same to the Board of Health.

Regulation 4. Report and order to be referred to the Board of Health.

The report of the duly authorized physician approved by the Commissioner, Deputy Commissioner or the Director of either the Bureau of Preventable Diseases, the Bureau of Tuberculosis or the Bureau of Social Hygiene, together with the order shall be immediately transmitted, through the proper channels, to the Board of Health and shall be accompanied by a recommendation that the Board of Health issue an order approving the removal and directing the detention of such person at the hospital designated.

Regulation 5. The Board to order temporary detention. The Board of Health, if satisfied that the person so removed is or is likely to be dangerous to the lives or health of other persons, may order his or her temporary detention in such hospital until discharged in the manner hereinafter set forth, and a copy of said detention order shall be delivered to the Medical Officer in charge of such hospital.

Regulation 6. Detention and discharge of person removed. The Medical Officer in Charge of the hospital to which such person has been removed, shall detain such person for the period of time in accordance with the Sanitary Code and its regulations governing the isolation of the particular disease or condition from which such person is suffering, and in other cases of communicable disease as ordered by the Board of Health. A person so detained, however, may apply at any time to the Director of the Bureau of Preventable Diseases or the Director of the Bureau of Tuberculosis or the Director of the Bureau of Social Hygiene under whose respective jurisdiction such case may be, for his or her discharge from such hospital, and if denied, may apply to the Commissioner of Health or Board of Health for such discharge. Such applicant's duly authorized representative, if a request is made in writing, shall be given an opportunity to be heard before the Commissioner of Health or the Board of Health.

Regulation 7. Unlawful conduct, criminal prosecution for.

(a) It shall be unlawful for a person, detained in a hospital pursuant to an order of the Board of Health, to conduct himself or herself in a disorderly manner while in said hospital, or to leave said hospital unless discharged in the manner hereinbefore provided in Regulation 6.

(b) Where such a detained person by his disorderly conduct in a hospital, in the opinion of the Medical Officer in Charge, violates any provisions of Section 722 of the Penal Law, the medical officer or any of his assistants may make and submit an appropriate complaint against such person for violation of said section before a city magistrate, and in the prosecution of the action upon said complaint the medical officer is authorized to deliver the detained person to the court for arraignment, trial and disposition of the action.

(c) Where such a detained person has left the hospital before his or her discharge, and has been apprehended and returned to the hospital, the medical officer is likewise to deliver such person to the court for arraignment, trial and disposition of any action instituted for violation of this regulation.

(d) If, in an action prosecuted as aforesaid, such a person is found not guilty he or she shall be returned to the hospital and detained until discharged. When such a person is found guilty, the medical officer, at the time of sentence, shall make request to the presiding magistrate that the defendant be committed to a penal institution which has hospitalization facilities.

§98. Concurrent and terminal disinfection, cleansing and renovation of premises, furniture, belongings and apparatus.

Adequate terminal disinfection, cleansing and renovation of premises, furniture and belongings, deemed by the Department of Health to be infected by any communicable disease, shall immediately follow the recovery, death or removal of the person suffering from such disease, and such disinfection, cleansing and renovation shall be performed by the owner, lessee, tenant or occupant of said premises. In all such cases, there shall be maintained, prior to the aforesaid terminal disinfection, proper and adequate concurrent disinfection, while the person is suffering from such communicable disease.

All apparatus and equipment employed in the treatment of any case of communicable disease, must be adequately cleansed and disinfected before use in any other case.

The term "concurrent disinfection" as used herein shall be taken to mean the immediate disinfection and disposal of body discharges and the immediate disinfection or destruction of all infected or presumably infected materials.

The term "terminal disinfection" as used herein shall be taken to mean the precautions taken to destroy or remove infectious material after the removal of the patient or the termination of isolation or quarantine.

The term "cleansing" as used herein shall be taken to mean the removal of possible infectious material by scrubbing, washing and exposure to sunshine and air.

The term "renovation" as used herein shall be taken to mean such repapering, painting, whitewashing or other alteration of premises or apartments as may be necessary to place the same in a proper and sanitary condition. (S. C., §146; amended October 22, 1935; formerly §101, renumbered §98 September 9, 1947.)

§99. Persons having a communicable disease not to engage in manufacturing in tenement houses or multiple dwellings. (*Repealed September 9, 1947.*)

§99. Dispensaries and clinics for treatment of communicable disease; regulated.

No dispensary or clinic where communicable diseases are treated or diagnosed shall be conducted or maintained in The City of New York, otherwise than in accordance with the regulations of the Board of Health.* (*Former §102 repealed October 22, 1935; former §223 adopted June 28, 1917, renumbered §102 October 22, 1935. Formerly §102 renumbered and amended September 9, 1947.*)

REGULATIONS

§99. Regulations 1-12 governing the conduct and maintenance of dispensaries or clinics where human beings affected with syphilis, gonorrhea, chancroid, lymphogranuloma venereum or granuloma inguinale, communicable eye diseases or pulmonary tuberculosis are treated or cared for. (*Amended by resolution filed with City Clerk May 15, 1942 and published in The City Record May 18, 1943. Formerly §102 renumbered §99 September 9, 1947.*)

Regulation 1. Examination and treatment to be conducted in special dispensaries or departments. The examination and treatment of persons affected with syphilis, gonorrhea, chancroid, lymphogranuloma venereum or granuloma inguinale, communicable eye diseases or pulmonary tuberculosis shall be conducted for each disease, in a separate or special dispensary or clinic, or in a separate or special department connected with the dispensary or hospital maintained solely for such purpose, or at a time apart for the use for other purpose. Provided, however, when the nature of the part affected, such as the eye, throat, viscera, etc., necessitates examination and treatment in some other department of the dispensary or clinic, treatment may be given jointly by the various departments. Every department of a dispensary or clinic wherein persons affected with these diseases are treated or cared for shall be provided with and employ proper facilities for asepsis and antisepsis.

Regulation 2. Bacteriological and microscopical examination. Every such dispensary or clinic shall be provided with adequate facilities for making bacteriological and microscopical examinations of discharges, secretions, sputum and suspected primary lesions. If such facilities be not provided at the dispensary or clinic, proper provisions shall be made for the prompt delivery of specimens to the Department of Health or other approved laboratories where such examinations are made.

Regulation 3. Number of patients to be examined or treated. The number of persons to be treated at a dispensary or clinic shall be regulated by the number of physicians in attendance and the equipment and facilities provided in said dispensary or clinic.

Regulation 4. Days dispensaries or clinics shall be open and medical attendance. Every such dispensary or clinic shall be open at least three (3) days of each week for the reception of patients, their examination, treatment and proper disposition, except dispensary or clinic for tuberculosis which shall be open at least one (1) day each week for such purpose. The necessary medical and nursing staff shall be on duty on all the days set apart for the reception of patients.

Regulation 5. All applicants to be examined. Every such dispensary or clinic shall examine, and if necessary treat, at the time of their first visit, all applicants irrespective of their place of residence.

Regulation 6. Records. A complete and adequate record shall be kept of every case of syphilis, gonorrhea, chancroid, lymphogranuloma venereum or granuloma inguinale, communicable eye disease or pulmonary tuberculosis treated at a dispensary or clinic. The Department of Health may require, in its discretion, regular and uniform statistical reports relating to the examination, care and treatment of all persons coming within the jurisdiction and control of such dispensary or clinic. Such records shall not be open to inspection by the public or any person other than a duly authorized representative of the Department of Health of the City of New York, or a person authorized by the said Department, and such other persons as may be authorized by law to inspect such records.

Regulation 7. Circular of instruction and advice. A circular of instruction and advice, issued or approved by the Department of Health, shall be furnished and delivered to every person found to be affected with syphilis, gonorrhea, chancroid, lymphogranuloma venereum or granuloma inguinale, a communicable eye disease or pulmonary tuberculosis as soon as the diagnosis is established, and individual instruction shall be given every such person as to the precautions to be taken in order to prevent the communication of the disease to others.

Regulation 8. Follow-up system. A follow-up system, approved by the Department of Health to secure regular attendance and regular and adequate care and treatment of patients, shall be established and maintained.

Regulation 9. Procedure governing the discharge of patients. Standard procedures, governing the discharge of patients, shall be followed. Such standards shall embrace suitable tests and subsequent persistent observations.

Regulation 10. Special requirements for syphilis.

(a) Microscopic examinations required. A dispensary or clinic engaged in the diagnosis and treatment of syphilis shall be equipped for the microscopical examination of suspected primary lesions and these examinations shall be performed when required.

(b) Serologic tests. Laboratory facilities for making serological tests shall be provided in every such dispensary or clinic engaged in the diagnosis and treatment of syphilis. If such laboratory facilities are not so provided, arrangements shall be made for the prompt delivery of specimens to the Department of Health or other approved laboratories where such tests are made.

(c) Arsphenamine and mercury or bismuth to be administered. The obligation to bring to an end the communicable stage at the earliest possible moment rests on the dispensary or clinic to which the patient applies for treatment. Arsphenamine or its analogues and either bismuth or mercury, or both, shall be administered by approved methods to all cases of syphilis in a communicable form, unless there is specific contraindications to the use of any one of these drugs.

Regulation 11. Special requirements for gonorrhea; microscopic examination required. Systematic microscopical examinations of all discharges shall be made in every department of a dispensary where persons affected with gonorrhea are treated or cared for.

Regulation 12. Special requirements for pulmonary tuberculosis.

(a) Care and disposition of sputum. An adequate supply of sputum cups or other approved receptacles, and facilities for their disinfection or destruction, shall be provided in such dispensary or clinic. The use of cuspidors is prohibited.

(b) No clinically active case of tuberculosis may be discharged from supervision. Arrested cases may be discharged if the X-ray shows a stabilized lesion over a period of six months and at least three adequate sputum examinations are negative for tubercle bacilli within the same period.

(c) A person having tuberculosis or suspected of having tuberculosis in communicable form and who refuses to follow the advice of the clinic shall be promptly reported to the Department of Health.

§100. (Renumbered §95 September 9, 1947.)

§101. (Renumbered §98 September 9, 1947.)

§102. (Renumbered §99 September 9, 1947.)

§103. **Clinical laboratories regulated.** No person shall conduct, maintain or operate a clinical laboratory without a permit therefor issued by the Board of Health or otherwise than in accordance with the terms of the said permit and regulations of the said Board.

Clinical laboratory defined. The term "clinical laboratory" as used herein shall be deemed to mean any laboratory in which bacteriological, bio-chemical, chemical, histological, pathological, physiological, serological, or other laboratory tests, examinations or analyses are performed and which contribute in any way as a help in the diagnoses, prophylaxis or treatment of disease.

The provisions of this section shall not apply to a physician or group of physicians duly licensed under the laws of the State of New York who make such tests, examinations or analyses in the conduct of their practice of medicine and do not hold themselves out as conducting a clinical laboratory. (*As amended, filed with City Clerk February 18, 1941 and published in The City Record February 20, 1941. Former §105 renumbered §103 September 9, 1947.*)

REGULATIONS

§103: Regulations 1-14. (*Amended by resolution filed with City Clerk February 18, 1941 and published in The City Record February 20, 1941. Former §105 renumbered §103 September 9, 1947.*)

Regulation 1. Application and permit. Application for a permit to conduct or maintain a clinical laboratory shall be made by the owner of the laboratory and the director on forms furnished by the Department of Health. A permit to conduct a clinical laboratory where the owner is not the director shall be issued jointly to the owner and the director thereof for the premises stated therein and they shall be severally and jointly responsible to the Department of Health for the maintenance and conduct thereof, or for any violations of the Sanitary Code or the regulations adopted thereunder. There shall be designated thereon the classifications of the tests, examinations or analyses that may be performed in said laboratory, and no laboratory shall make or undertake to make any tests, examinations or analyses other than those within the classifications designated on the permit. The permit shall be valid for a period of one year from the date of issuance.

Regulation 2. Tissue specimens. All tissue specimens shall be examined and reported upon only by a qualified pathologist accepted by the Department of Health. The laboratory may employ a consulting pathologist and he shall sign every report of a tissue specimen examined by him upon the forms of the laboratory where he is employed or is the consultant. All such reports shall be countersigned by the director of such laboratory.

Regulation 3. Director to be in charge; qualifications. No permit shall be issued to conduct a clinical laboratory unless such clinical laboratory shall have as a director in charge, a person who shall have the following qualifications:

(a) A physician who is duly licensed to practice medicine in the State of New York, and who shall have had subsequent to graduation, four or more years of general clinical laboratory training in an acceptable laboratory; two years of which shall have been in the laboratory of an acceptable hospital, university or research institute.

(b) A person who was the holder of a director's permit issued by the Board of Health at any time within the year prior to February 11, 1941, pursuant to the then existing regulations.

Regulation 4. Duties of director. The director of the clinical laboratory shall direct, supervise and be personally responsible for all tests, examinations and analyses made in the laboratory of which he is in charge, and shall sign all reports of tests, examinations and analyses made in the said laboratory. The director shall be responsible for the appointment and employment of competent technicians who are suitably qualified for the work to which they are assigned. No laboratory may function without a director, and it shall be the duty of the director and the owner of a laboratory to notify immediately the Bureau of Laboratories in writing of a termination of employment of a director or of a severance of a director's connection with the laboratory. In the temporary absence of a director for two weeks or more, a person satisfactory to the Bureau of Laboratories shall be in charge of the laboratory. In such case a request in writing shall be made to the Bureau of Laboratories for the approval of the person who is to act as the temporary director, but such approval shall not be given for a period of more than two months.

Regulation 5. Trial specimens. Every clinical laboratory shall examine and report promptly on all specimens submitted to it by the Bureau of Laboratories for the purpose of determining the accuracy of its work.

Regulation 6. Permits revocable. Change of location or of ownership or of a director of a laboratory shall result in the forthwith revocation of the permit. Such permit may also be revoked in the discretion of the Board of Health for violation of the Sanitary Code or its regulations or for other causes deemed sufficient by said Board.

Regulation 7. Laboratories in city hospitals exempted. Clinical laboratories in city maintained hospitals operated by The City of New York, shall not be required to obtain a permit pursuant to Section 105 of the Sanitary Code. However, no such laboratory shall be deemed approved for prenatal or premarital serological tests as required under the Public Health Law and the Domestic Relations Law respectively, unless it holds such a clinical laboratory permit for serology.

Regulation 8. Adequate equipment, location, ventilation and lighting

required. No clinical laboratory shall be conducted or maintained, except in a part of a building or structure sufficiently and adequately lighted and ventilated by natural or artificial means. All tests shall be made in that part of the premises exclusively set apart for laboratory purposes, and the dimensions thereof and the equipment therefor shall be approved by the Bureau of Laboratories as sufficient to properly perform such tests, examinations or analyses of specimens as the laboratory undertakes to make.

Regulation 9. Signs, advertisements. No persons shall display a sign or advertise or hold out to the public that clinical specimens are received thereat, or laboratory facilities are furnished therein, unless the name and location of the clinical laboratory performing the tests and examinations are clearly indicated on such sign. No report of such test or examination shall be issued by the agent of a clinical laboratory except on the form of such clinical laboratory and signed by the laboratory director and showing the name and location of such clinical laboratory.

Regulation 10. Specimens to be numbered. Every specimen received at the laboratory for examination, test or analysis shall be numbered and so designated as to definitely establish the identity of each particular specimen.

Regulation 11. Records to be kept. The director of the laboratory shall cause a record to be kept wherein shall be entered the following information:

- (a) The laboratory number and date of the receipt of every specimen to be tested, examined and analyzed.
- (b) The initials (or an identifying number) of the person from whom the specimen was taken.
- (c) The name and address of the physician submitting the specimen.
- (d) The name of the person with date to whom the report of the result of the test is forwarded.
- (e) The date the report of the result of the examination was forwarded to the Department of Health.
- (f) The result of the laboratory test.

Copies of all reports shall be kept for at least one year and said reports, register or other records shall be open to inspection by a duly authorized representative of the Department of Health.

Regulation 12. Classification of tests, etc. The tests, examinations or analyses to be designated on each permit to conduct a clinical laboratory, and each permit to act or be engaged as a director shall be designated under the following classifications:

1. Bacteriology.
2. Haematology.
3. Biochemistry.
4. Serology.
5. Clinical Pathology.
6. Surgical Pathology.
7. Special examinations not included in other classifications.

Provided, that where the permit is issued for only certain tests, examinations or analyses under one of the aforesaid classifications, then the particular tests, examinations or analyses under such classification shall be designated in the permit and the permittee shall be limited to such designated tests, examinations or analyses.

Regulation 13. Reports of Positive Findings to the Department of Health. The director of every clinical laboratory shall report in writing within 24 hours, to the Bureau of Preventable Diseases of the Department of Health, the positive results of all examinations made of specimens in which were found:

1. Klebs Loeffler bacilli (presumptive diphtheria).
2. Tubercle bacilli (tuberculosis).
3. *Bacillus typhosus* (typhoid fever) positive Widal's (typhoid fever).
4. *Bacillus paratyphosus* A or B (paratyphoid fever) agglutination test (paratyphoid fever).
5. Intracellular gram-negative diplococci in smears having the morphological characteristics of gonococci (gonorrhea).
6. Intracellular gram-negative diplococci in spinal fluid having the morphological characteristics of meningococci (epidemic of cerebrospinal meningitis).
7. All positive Wassermanns, Kahn or Kline tests or modifications thereof (syphilis).

8. Other laboratory findings which indicate the presumptive presence of any disease mentioned in Section 86 of the Sanitary Code—giving the name or initials or identifying number and address of the person from whom the specimen was taken, the name and address of the person forwarding the specimen, and to whom the report was sent.

Regulation 14. Separate Application for Directorship. A person who is not at the time engaged as a director of a clinical laboratory but desires to qualify as such, may file an application with the Bureau of Laboratories for such purpose on the forms furnished by the Department of Health. A person who so qualifies shall be eligible to be employed as director of a clinical laboratory at any time within a year from the date of qualification, upon the filing of a proper application for a permit to conduct a clinical laboratory as provided for in these regulations.

§103. Duties of Undertakers. (*Section repealed by resolution filed with City Clerk December 19, 1944.*)

§104. Precautions to be observed by physicians, nurses, midwives or other attendants for the prevention of ophthalmia neonatorum in the eyes of all new-born children.

It shall be the duty of every physician, nurse, midwife or other person in attendance on a confinement case, to instill in the eyes of the new-born child, immediately after delivery and before the expulsion of the after-birth, a one (1%) per cent solution of nitrate of silver or an equally effective agent in order to prevent the development of ophthalmia neonatorum in the eyes of all new-born children. (*Adopted August 10, 1922, formerly §201, renumbered §104 September 9, 1947.*)

§105. Sale or use of lead nipple shields prohibited.

No person shall use or have, keep, sell or offer for sale in the City of New York, any metal or foil breast nipple shield made of or containing lead. (§111, *as added, filed with City Clerk June 15, 1939 and published in The City Record June 17, 1939. Formerly §111 renumbered §105 September 9, 1947.*)

§106. Handling of live pathogenic microorganisms and viruses regulated.

1. No person other than a licensed practitioner of medicine, dentistry or veterinary medicine or a person under the direct supervision of a licensed practitioner of medicine, dentistry or veterinary medicine shall possess or cultivate live pathogenic microorganisms or viruses other than vaccine virus unless he shall hold a permit issued by the Commissioner of Health of the City of New York or otherwise than in accordance with the terms of said permit and the regulations of said board.

2. All places where live pathogenic microorganisms or viruses other than vaccine virus are handled or cultivated, shall be registered with the Department of Health of the City of New York and a registration number shall be issued to each place so registered. Registration and application for this registration number shall be made by the person in charge of the place where such microorganisms or viruses are handled.

3. A registration fee of One Dollar (\$1.00) shall be charged and registration shall be renewable annually.

4. This section shall not apply to laboratories maintained by the Federal Government, State, a municipality or county.

(*Adopted June 11, 1946, effective July 1, 1946.*)

REGULATIONS

Regulation 1. Permit. Any person applying for a permit to have, possess or cultivate live pathogenic microorganisms or viruses other than vaccine virus shall satisfy the Commissioner of Health of the City of New York as to the following facts:

- (a) As to his education, experience and moral character.
- (b) That such microorganisms or viruses in his possession will not become a menace to the public health.

Regulation 2. Holder of permit. The holder of a permit to have, possess or cultivate live pathogenic microorganisms or viruses other than vaccine virus shall keep full and accurate records of:

- (a) The name and address of persons or organizations from which such live pathogenic microorganisms or viruses are received and the date thereof.
- (b) The name and address of all persons or organizations to which live pathogenic microorganisms or viruses other than vaccine virus are sent, given away or sold and the date thereof, and no person shall sell, give away or convey

any live pathogenic microorganisms or viruses other than vaccine virus to any other person without permission of the Commissioner of Health of the City of New York, except that this regulation does not apply to diseased tissue, exudate or other specimens which are sent by physicians to laboratories for examination as an aid in the diagnosis or control of diseases.

Regulation 3. Labeling. All live pathogenic microorganisms or viruses other than vaccine virus when given away or sold shall bear a label on the container showing the registration number of the distributor which has been issued by the Department of Health of the City of New York for the handling of pathogenic microorganisms or viruses, the name of the person obtaining the material and the destination of the pathogenic microorganisms or viruses.

(Adopted June 11, 1946, effective July 1, 1946.)

§107. X-ray laboratories; permit required.

No person shall maintain, operate or conduct an X-ray laboratory or advertise or hold out to the public that an X-ray laboratory is maintained, operated or conducted wherein radiographs are taken, diagnoses made or human beings examined or treated by X-rays, without a permit therefor issued by the Board of Health, or otherwise than in accordance with the terms of said permit and with the regulations of the said board. *(Adopted January 26, 1922.)*

REGULATIONS

REGULATIONS GOVERNING THE CONDUCT AND MAINTENANCE OF X-RAY LABORATORIES IN THE CITY OF NEW YORK.

(Adopted by the Board of Health January 26, 1922, and amended May 14, 1935.)

Regulation 1. Information to be furnished by the applicant. Every application for a permit to conduct an X-ray laboratory shall be made in writing on an official blank to be furnished by the Health Department and must contain the following information:

Address of premises and part of building where located.

Name and address of applicant.

Name of profession under which applicant is licensed to practice by the State of New York.

Date when such license was issued.

Regulation 2. A duly qualified person to be in charge. Every X-ray laboratory where radiographs are taken, diagnoses are made from X-ray plates, or human beings examined or treated by X-rays, shall at all times be in charge and under the direction of a duly licensed physician or other person who is licensed under the laws of this State to diagnose and treat disease. Wherever an X-ray laboratory is in charge of one other than a duly licensed physician, the radiographs taken and the diagnoses and treatment given shall be only of such part or parts of the body as the person in charge is permitted to diagnose and treat under the laws of the State of New York.

This regulation, however, shall not apply to a person who has heretofore obtained a permit from the Board of Health to conduct an X-ray laboratory where radiographs are taken but where diagnoses are not made from X-ray plates and where human beings are not examined or treated by X-rays. Such laboratory shall at all times be in charge of the person to whom the permit was issued.

Regulation 3. Precautions against danger. Every X-ray laboratory shall be so constructed as to confine within the operating room the rays emanating from the machine and it shall be equipped with suitable and necessary appliances and devices at all times when the X-ray machine is in operation for the proper protection of patients, operators and all other persons or property adjacent, contiguous to or coming in contact with the electrical or other current or force or spark generated or incident to the operation and use of the X-ray machine.

Regulation 4. Person in charge to be present; report of X-ray examination. The physician or other person duly licensed by the State of New York to diagnose and treat disease who is in charge of an X-ray laboratory, shall be present when radiographs are taken, diagnoses made or human beings examined or treated by X-rays, and shall sign all reports of X-ray examinations issued by said laboratory.

Regulation 5. Permit not transferable. A permit is issued to a particular person and for a given location and is not valid for use by any other person or in any other place than stated in the permit.

Regulation 6. Revocation of permit. A permit issued hereunder may be revoked at the discretion of the Board of Health for violation of the Sanitary Code or of any regulation adopted thereunder, or for such other cause as may be deemed sufficient by the Board of Health.

§107a. Shoe fitting fluoroscopy.

No person shall maintain or operate an apparatus used for shoe fitting fluoroscopy, or advertise or hold out to the public that an apparatus used for shoe fitting fluoroscopy is maintained or operated, without a permit therefor issued by the Board of Health, or otherwise than in accordance with the terms of said permit and with the regulations of said board.
(Adopted January 13, 1948, effective March 1, 1948.)

REGULATIONS

REGULATIONS GOVERNING THE OPERATION AND MAINTENANCE OF APPARATUS USED FOR SHOE FITTING FLUOROSCOPY.

Regulation 1. Information to be furnished by the applicant. Every application for a permit to maintain or operate one or more machines used for shoe fitting fluoroscopy shall be made in writing on an official blank to be furnished by the Health Department and must contain the following information:

Address of premises and parts of building where shoe fitting fluoroscopy machines are located.

Name and address of applicant.

Regulation 2. Protection of operators and attendants. The equipment shall be so constructed that the dosage rate in any region which may be occupied by operators and attendants does not exceed 12.5 milli-roentgens per hour. Means shall be provided to prevent operators or attendants from exposing the hands or any other parts of the body to the useful beam. The equipment shall be so located and oriented that scattered radiation from the opening where the feet are placed is not directed toward occupied regions unless suitable protecting screens are interposed.

Regulation 3. The maximum permissible dose per exposure ("exposure" being defined as a single viewing of one pair of shoes on the feet) shall not exceed two roentgens. Each machine shall be provided with an automatic timer set to terminate the exposure when said limit of two roentgens for such exposure has been reached. There shall not be more than three exposures in any one day, and not more than a total of 12 exposures in one year. The machine shall not be used for any purpose other than the examination of the feet with shoes on.

Regulation 4. Meters, controls and safeguards. Meters and controls shall be provided in order to maintain the milli-amperage and kilovoltage within the proper limits. The X-ray tube shall be provided with a filter equivalent to not less than 1.0 mm aluminum. Safeguards shall be provided to prevent any use of the equipment by persons other than a qualified operator. The permit holder shall take proper means satisfactory to the Department of Health for instructing a salesman in respect to the operation of the machine as to the potential hazards to himself and his customers and the necessity for his having an annual medical examination including blood count.

Regulation 5. Warning sign. Each machine shall be provided with a conspicuously located sign warning the customer that repeated exposure to X-ray may be harmful. The sign should measure at least 7½ inches by 4½ inches, be placed in a conspicuous position, and contain the following warning in capital letters at least ⅜ of an inch high:

"REPEATED EXPOSURE TO X-RAY MAY BE HARMFUL, INCLUDING THE EXPOSURE OF HUMAN FEET IN SHOES. FLUOROSCOPIC EXAMINATIONS FOR SHOE FITTING SHALL BE LIMITED TO THREE EXPOSURES IN ANY ONE DAY, AND SHALL BE LIMITED TO NOT MORE THAN A TOTAL OF 12 EXPOSURES IN ONE YEAR."

Regulation 6. Permit not transferable. A permit is issued to a particular person and for one or more machines at a given location and is not valid for use by any other person or in any other place than stated in the permit. All permits issued under Section 107a shall expire March 31st annually.

Regulation 7. Revocation of permit. A permit issued hereunder may be revoked at the discretion of the Board of Health for violation of the Sanitary Code or of any regulation adopted thereunder, or for such other cause as may be deemed sufficient by the Board of Health.

(Adopted February 10, 1948, effective March 1, 1948.)

§108. Blood donors and use of blood donors regulated; blood banks and plasma banks regulated; definitions.

1. No person shall act as and no physician, hospital or institution shall use, a blood donor, either professional or voluntary, in the City of New York otherwise than in accordance with the regulations of the Board of Health.

2. No blood bank or plasma bank shall be maintained or operated in the City of New York, other than in hospitals maintained by The City of New York, in hospitals in which there is a clinical laboratory under permit from the Board of Health for bacteriology, blood typing and serology, or in places where special permission has been granted by the Board of Health, or otherwise than in accordance with the regulations of the Board of Health.

3. Whenever used in this section the following terms shall mean and include:

(a) "Blood donor." Any person who holds himself out as willing to dispose of his blood, or who offers his blood, or whose blood is used for transfusion purposes either by direct introduction into the blood-vascular system of any other person, or for conversion into plasma.

(b) "Professional blood donor." A blood donor who offers or gives his blood for a fee.

(c) "Voluntary blood donor." A blood donor who offers or gives his blood gratuitously or without fee.

(d) "Blood bank." Any system of storage of human blood for subsequent use for transfusion purposes.

(e) "Plasma." The separated fluid portion of human blood collected in a suitable anticoagulant and maintained in a liquid or converted into a frozen or dry state in accordance with the regulations of the Board of Health and procedures approved by said Board.

(f) "Plasma bank." Any system of storage and preparation of plasma, liquid, frozen or dried, in accordance with the regulations of the Board of Health and procedures approved by said Board.

(Adopted November 21, 1930.)

(Amended by resolution filed with City Clerk December 16, 1943 and published in The City Record December 20, 1943; effective January 1, 1944.)

REGULATIONS

Regulation 1. Grouping of professional blood donors donating blood for immediate transfusion or storage in a blood bank. The blood grouping of each professional blood donor donating blood for immediate transfusion or for storage within a blood bank for whole blood transfusion shall be established by suitable tests performed at laboratories of hospitals maintained by The City of New York or in clinical laboratories under permit of the Board of Health by testing his blood with known group specific sera and it is recommended that his serum be tested against known group A and group B corpuscles (international classification).

Regulation 2. Maximum amount of blood to be donated. No blood donor, whether professional or voluntary, shall donate or be permitted to donate more than 1,000 c.c. of blood at any one time, nor more than 1,000 c.c. of blood within any three month period regardless whether the blood is to be used for immediate transfusion, for storage in a blood bank, or for conversion into plasma.

Regulation 3. Physical, serological and other examinations of all professional and voluntary blood donors required immediately prior to transfusion or collecting of blood.

(a) Except as otherwise provided in subdivisions (e) and (f), every blood donor immediately prior to each transfusion, or collecting of blood subsequently to be used for transfusion purposes, shall be given a physical examination by a physician on whom has been conferred the degree of doctor of medicine. In addition thereto the donor's blood shall be submitted for a hemoglobin determination, a serological test for syphilis and for cross matching.

(b) The physical examination shall include an examination of the following organs: skin, mouth, pharynx, heart, lungs, abdomen (particularly liver and spleen) and the lymphatic glands, and in the male the anus and genitalia. The donor shall approximate an average weight for height according to standard tables. The pulse and temperature of the blood donor shall also be taken

and any indication that the blood donor's condition is not normal shall debar such donor from service at that time. No blood donor shall be used for transfusion purposes who exhibits suspicious scars or symptoms of syphilis, gonorrhea or other venereal disease or who gives a history of jaundice within the past year not due to common duct obstruction, syphilis, malaria, relapsing fever, trypanosomiasis, leishmaniasis, or of donating blood in excess of the maximum amount as stated in Regulation 2, or who presents evidence of heart disease, diabetes, hyperthyroidism, hypertension greater than either 180 systolic or 100 diastolic, leukemia, asthma, tuberculosis, venereal disease or any other communicable disease, evidence of drug addiction, or who has any obvious infection of the teeth or gums with suppurative lesions. No female who is pregnant or is post-partum less than a period of one year shall be permitted to act as a blood donor except in an emergency or where her physician certifies his approval in writing. An individual under the age of 18 or over the age of 60 shall not be used as a donor except in an emergency. No minor shall be used as a donor without written consent of a parent or guardian.

(Amended December 9, 1947.)

(c) A determination of the hemoglobin content of the donor's blood shall be made by means of a standardized generally accepted hemoglobinometer and no blood donor shall be accepted whose hemoglobin is found to be less than 85 per cent of the normal for the method employed on the basis of 100 per cent hemoglobin being equal to 15 grams per 100 c.c. of blood.

(d) A serological test for syphilis, approved by the Department of Health, and cross matching of the donor's with the recipient's blood shall be performed. No blood donor shall be used for transfusion purposes whose blood reacts positively to such a test for syphilis or where there is demonstrated incompatibility between the blood cells of the donor and the serum or plasma of the recipient.

(e) When blood is collected for storage in a blood bank for a period greater than 72 hours or for the preparation of plasma, the examinations of the donor immediately prior to each donation of blood, shall be the same as hereinbefore stated, except that it is not required that the physical examination include an examination of the genitalia. Provided, however, if the presence of venereal disease is made evident by a history or examination other than the physical examination, it shall debar such donor from contributing blood for storage in a blood bank or for the preparation of plasma.

(f) When blood is collected solely for the purpose of preparing plasma dried from the frozen state or when red blood cells are re-suspended and held for three (3) days for the purpose of red blood cell transfusion by a recognized organization under the supervision and in accordance with the standards of the National Research Council of the Office of Scientific Research and Development of the United States Government, the requirement of a physical examination shall not apply.

Regulation 4. Transfusions in dire emergencies. No transfusion shall be made otherwise than in accordance with these regulations except in dire emergency when blood plasma might not be expected to be effective.

Regulation 5. Hospitals, institutions and physicians to keep record of immediate blood transfusions.

(a) The superintendent or person in charge of every hospital or institution shall keep a record of every immediate blood transfusion performed in such hospital or institution, namely, the transfusion of blood from a donor into the blood-vascular system of the recipient either directly or immediately following the taking of the blood, and the said record shall show:

- (1) The name of the physician or surgeon making the transfusion.
- (2) The name and address of the donor.
- (3) The blood grouping classification of the donor and of the recipient.
- (4) The hemoglobin percentage of the blood of the donor.
- (5) The results of the physical examination and the serological test for syphilis of the donor, and of the cross matching test prior to transfusion.
- (6) The quantity of the blood given.
- (7) The name of the patient.
- (8) The date of the transfusion and any untoward reaction which may have occurred.

(b) A similar record shall be kept by a physician or surgeon of every immediate transfusion performed by him outside of a hospital or institution.

(c) Such records shall be open to inspection by an inspector or other duly authorized representative of the Department of Health.

Regulation 6. Blood banks for transfusion purposes regulated; records to be kept.

(a) Blood collected and stored as whole blood for subsequent use for transfusion purposes shall be collected and stored in accordance with the following requirements:

(1) The blood shall be collected by a physician upon whom has been conferred the degree of doctor of medicine, or under his direction.

(2) The blood shall be collected from a donor who has met all the requirements governing blood donors contained in these regulations.

(3) The blood shall be collected aseptically into a sterilized container and treated with a proper anti-coagulant. It is recommended that the blood be collected in a closed system without contact with unfiltered air. The container shall be labeled in the manner stated in paragraph 7 herein.

(4) Additional blood specimens shall be collected from the donor and placed in separate tubes for the typing and serological tests and for subsequent cross matching tests with the recipient's blood. Such tubes, immediately before being used, shall be properly labeled for identification purposes, and the tube or tubes for subsequent cross matching tests shall be securely fastened to the container of the blood.

(5) The blood shall have a hemoglobin content of not less than eighty-five per cent (85%) of the normal for the method employed.

(6) The blood shall react negatively to an approved serological test for syphilis.

(7) The container of blood shall be securely sealed and remain sealed until used for transfusion or destroyed or disposed of for a purpose other than transfusion. It shall be legibly labeled immediately before collection of the blood with the date of collection, the donor's name, bank serial number, and with the results of the blood grouping test and serological test for syphilis, as soon as the results of such tests have been reported.

(8) Blood shall be stored aseptically and refrigerated continuously at from 2 to 10 degrees centigrade, preferably 4 to 6 degrees centigrade.

(9) The blood shall not be used if it shows at any time, evidence of hemolysis. If hemolysis is present, the blood shall be immediately removed from the refrigerator and destroyed or disposed of for a purpose other than transfusion.

(10) The blood shall not be used as whole blood later than seven (7) days after collection if collected in citrate. The expiration date shall be not more than twenty-one (21) days from the date of collection if an anti-coagulant solution of the following composition or a formula approved by the Board of Health possessing no less anti-coagulant and red blood cell preserving property is used:

Trisodium citrate.....	2.20 gm.
Citric acid	0.80 gm.
Dextrose	2.45 gm.
Water to	100 c.c.

15 c.c. per 100 c.c. of blood

Ph—5.0

May be sterilized by autoclaving.

(11) Where blood has been placed in the refrigerator pending the tests required herein, and the result of any such test indicates that the blood does not conform with any of the requirements of this regulation, the same shall be immediately removed from the refrigerator and destroyed or disposed of for a purpose other than transfusion.

(b) Adequate and complete records of all specimens of blood stored in blood bank shall be kept and these records shall include the following:

(1) The date of collection, the amount collected, and the name of the physician collecting the blood or under whose direction the blood was collected.

(2) The donor's name, address, age, sex, and the results of the physical examination.

(3) The results of the blood grouping tests, serological tests for syphilis, and the hemoglobin determination.

(4) An entry showing the disposition of such blood.

(c) The superintendent or person in charge of every hospital or institution shall keep a record of every blood transfusion of blood bank performed in such hospital or institution and the said record shall show:

(1) The name of the physician or surgeon making the transfusion.

(2) The name of the blood bank from which blood was obtained.

- (3) The blood grouping classification of the specimen of bank blood and that of the recipient.
- (4) The name of the recipient.
- (5) The date of the transfusion.
- (6) The result of the cross matching test.
- (7) The quantity of blood given.
- (8) A record of any untoward reaction which may have occurred.
- (d) A similar record shall be kept by a physician or surgeon of every blood transfusion of bank blood performed by him outside of a hospital or institution.
- (e) All such records shall be open for inspection by an inspector or other duly authorized representative of the Department of Health.

Regulation 7. Plasma and plasma banks for transfusion purposes regulated; records to be kept.

- (a) Blood collected for conversion into plasma (liquid, frozen or dried) shall be collected, processed and maintained in accordance with the procedures approved by the Board of Health and the following requirements:
 - (1) Blood shall be collected by a physician upon whom has been conferred the degree of doctor of medicine, or under his direction.
 - (2) The blood shall be collected from a donor who has met all the requirements governing blood donors contained in these regulations.
 - (3) The blood shall be collected aseptically into a sterilized container and treated with a proper anti-coagulant. It is recommended that the blood be collected in a closed system without contact with unfiltered air. The container shall be labeled in the manner stated in paragraph 6 of this subdivision.
 - (4) The blood shall have a hemoglobin content of not less than 85 per cent of the normal for the method employed.
 - (5) An additional blood specimen shall be collected and placed in a separate tube for serological tests and the blood shall react negatively to an approved serological test for syphilis.
 - (6) The container of the blood shall be securely sealed and remain sealed until the contents shall be converted into plasma. It shall be legibly labeled immediately before collection of the blood with the date of collection, serial number, the doctor's name, and serological test for syphilis as soon as results of such tests shall have been reported.
 - (7) The blood shall be stored aseptically and it is recommended that it be refrigerated at a temperature of 2 to 5 degrees centigrade until it is converted into plasma.
 - (8) The blood shall not be used if at any time it shows evidence of hemolysis. If hemolysis occurs, the blood shall be immediately removed from the refrigerator and destroyed or disposed of for a purpose other than transfusion.
 - (9) If the blood shows no evidence of hemolysis and meets the other requirements of this regulation, it may be used as plasma if the plasma is separated from the cells by centrifugation within 72 hours or by sedimentation within seven (7) days of the collection of the blood when it is collected in a citrate solution, or if separated within fourteen (14) days following the collection of the blood when collected in a preservative solution as defined in the procedures approved by the Board of Health.
 - (10) Where blood has been placed in the refrigerator pending the tests required herein and the results of any such tests indicate that the blood does not conform with any of the requirements of this regulation, the same shall be immediately removed from the refrigerator and destroyed or disposed of for purposes other than transfusion.
 - (11) No specimen of plasma shall be distributed by a plasma bank unless there is provided a suitable filter as defined in the procedures approved by the Board of Health.
- (b) Adequate and complete records of all specimens of plasma shall be kept and these records shall include the following:
 - (1) The date of collection, the amount collected and the name of the physician collecting the blood, or under whose direction blood was collected.
 - (2) The donor's name, address, age, sex, and the results of physical examination.
 - (3) The results of serological tests, for syphilis, and hemoglobin determination.
 - (4) An entry showing the disposition of such plasma, the name and

address of the processor and the state of the plasma, whether liquid, frozen or dried.

(c) The superintendent or person in charge of every hospital and institution shall keep a record of every plasma transfusion performed in such hospital or institution and the said record shall show:

- (1) The name of the physician or surgeon making the transfusion.
- (2) The source of the plasma.
- (3) The state of the plasma (liquid, frozen or dried).
- (4) Quantity of plasma transfusion.
- (5) Name of recipient.
- (6) Date of expiration of the plasma.
- (7) Date of the transfusion.
- (8) Record of any untoward reaction which may have occurred.

(d) A similar record shall be kept by a physician or surgeon of every transfusion of bank plasma performed by him outside of a hospital or institution.

(e) All such records shall be open for inspection by an inspector or other duly authorized representative of the Department of Health.

Regulation 8. Untoward reactions to be reported. It shall be the duty of the superintendent or person in charge of every hospital or institution, as well as of every private physician, to report promptly to the Department of Health all instances in which a transfusion has been accompanied or followed by any blood stream infection or evidence of hemolysis such as hemoglobinuria, jaundice or death, associated with the transfusion or any other severe reaction. Such reports shall supply the information outlined in Regulation 5a for whole blood transfusion, Regulation 6c for blood bank transfusion and Regulation 7c for plasma transfusion, and any other pertinent facts.

(Adopted November 21, 1930; amended March 16, 1943; effective January 1, 1944, July 1, 1946 and December 9, 1947.)

§109. Blood donor agency.

No person shall conduct, maintain or operate a blood donor agency in The City of New York without a permit therefor issued by the Board of Health or otherwise than in accordance with the terms of the said permit and the regulations of the said board.

Blood donor agency defined. As used herein the term "blood donor agency" shall be taken to mean and include any office, registry, place or establishment which employs, engages or supplies or advertises or holds out to employ, engage or supply any person or persons whose blood is or may be used for transfusion purposes.

(Adopted November 21, 1930.)

REGULATIONS

§109: Regulations 2, 3, 4. *(Regulations 2, 3 and 4 amended by resolution with City Clerk January 13, 1944 and published in The City Record January 17, 1944.)*

Regulation 1. Applications. Applications for permits to conduct or manage a blood donor agency shall be made by the individual who proposes to conduct same, and if by a corporation, by an officer thereof and if by a co-partnership, by one of the members of the said co-partnership, upon official forms furnished for such purpose by the Department of Health.

Regulation 2. Blood grouping card for blood donors. No blood donor agency shall employ or engage or supply any person as a blood donor unless such person shall have a blood donor's grouping card on a form furnished by the Department of Health issued to him by the director of a laboratory of a hospital maintained by The City of New York or a clinical laboratory under a permit from the Board of Health, or an unexpired blood donor's certificate of registration issued by the Department of Health pursuant to the former provisions of Section 108 of the Sanitary Code.

Regulation 3. Records. In every blood donor agency a record shall be kept by the owner thereof in which shall appear the name and address of every blood donor listed in such agency. Such record shall also contain a brief statement of the service rendered by every blood donor furnished by such agency and shall show the name of the physician who requested the service, the name of the patient served, the place where the transfusion occurred, the quantity of blood taken and the date of the transfusion. Such record shall be open to inspection by a representative of the Health Department at all times.

Regulation 4. Blood donors not to be used too frequently. No blood

donor agency shall supply or permit any blood donor to be used for transfusion purposes the hemoglobin content of whose blood shall be less than 85% of the normal for the method of testing employed (100% being equal to 15 grams) or supply or permit a donor to donate more than 1,000 c.c. of blood at any one time, nor more than 1,000 c.c. of blood within any three month period.

Regulation 5. Permits not transferable. A permit issued to a particular person, firm or corporation shall not be transferred to any other person or corporation without the written consent of the Health Department.

Regulation 6. Revocation. A permit issued herein shall be revoked by the Board of Health for the violation of any of the above regulations.

(Adopted November 21, 1930; amended January 11, 1944.)

§110. Lying-in institutions and new-born nurseries regulated.

No person, organization or corporation shall conduct, maintain or operate a lying-in institution or a new-born nursery otherwise than in accordance with the regulations of the Board of Health.

Lying-in Institutions and New-born Nurseries defined. The term lying-in institution as used herein shall be deemed to mean any hospital, institution or place, excepting private homes, in which pregnant women are cared for and delivered of babies. The term new-born nurseries as used herein shall be deemed to mean any room, rooms or ward in such hospitals, institutions, or places, excepting private homes, in which new-born babies are cared for or treated. *(Adopted December 14, 1937.)*

R E G U L A T I O N S

§110: Regulations 1-16. *(As amended, filed with City Clerk January 14, 1939 and published in The City Record January 17, 1939.)*

Regulation 1. Maternity and delivery room units.

(a) There shall be adequate isolation quarters for ill or infected mothers in all lying-in institutions. A mother shall be deemed infected if (1) she is the carrier or suspected carrier of, or affected with a communicable disease or condition, or (2) if she nurses an ill or infected baby, or (3) if she is not delivered in a lying-in institution in which she is afterwards cared for. Ill or infected mothers shall be immediately isolated.

(b) There shall be provided and maintained a separate labor and delivery room unit with separate equipment for the delivery of normal or clean operative obstetrical cases and another such equipped unit for the delivery of ill or infected mothers. If the later unit with separate equipment is not provided and the delivery of an ill or infected mother is carried on in the unit used for normal or clean operative obstetrical cases, the same shall be immediately and thoroughly cleansed, closed for 24 hours, and the equipment resterilized.

(c) The maternity ward or unit shall be maintained separate and apart from any medical or surgical service not intimately concerned with the delivery or puerperal period.

(d) Gynecological operative procedures shall be prohibited on maternity services, except such as are intimately concerned with the delivery of puerperal period.

(e) Equipment of delivery rooms shall be limited to instruments and supplies necessary for immediate use. All other equipment and supplies shall be kept in outside supply rooms.

(f) All labor and delivery room units shall be equipped with proper apparatus and supplies for safeguarding the lives of the new-born infants and the mothers.

Regulation 2. New-born nurseries.

(a) Every lying-in institution shall maintain in good order one or more properly equipped nurseries which shall be an integral part of the maternity service.

(b) Separate isolation quarters shall be maintained at all times for the isolation of ill or infected babies. A baby shall be deemed infected if (1) a carrier or suspected carrier of, or affected with a communicable or suspected communicable disease or condition, or (2) if delivered of an ill or infected mother, or (3) if delivered outside of the lying-in institution. Such ill or infected baby shall be immediately isolated. The isolation quarters shall be in a division of the maternity service separated from the main nurseries.

(c) All nurseries, isolation quarters and the halls adjacent thereto, shall be adequately and properly lighted, ventilated and heated, protected from noise and odors and kept free from insects and vermin. These rooms and hallways shall at all times be maintained in good repair and in clean and sanitary condi-

tion. Walls and ceilings of these rooms and hallways shall be so constructed as to be easily cleaned and washed.

(d) All bassinets shall be of sufficient depth that the infant's head is at least six inches below the top of the bassinet; shall be individually and completely lined with suitable clean material, or shall be of such material as to be scratch-proof, non-explosive, and shall not emit noxious fumes if ignited, and of such construction that the inner surfaces can be thoroughly washed with soap solution or other cleansing agent. The spacing between adjoining bassinets in all nurseries and isolation quarters shall be maintained at a minimal distance of six inches on all sides. Where a carrier system is used, the bassinets shall also be so arranged that the face of the infant is at least six inches below the level of the top of the bassinet. The suspension of bassinets on double tier racks shall be prohibited. (*Amended September 9, 1947.*)

(e) Where common dressing, bathing or diapering tables are used these shall be draped with sterile linens or suitable clean paper sheeting for each baby immediately before use.

(f) The weighing scale shall be draped with sterile linens or suitable clean paper sheeting for the weighing of each baby immediately before use.

(g) Individual sterilized rectal thermometers shall be provided for each baby.

(h) Common or group baby carriers for taking new-born babies for feeding to their mothers shall be prohibited, unless they are provided with bassinets arranged in accordance with paragraph (d) of this regulation.

(i) Each and every nursery shall be provided with running hot and cold water. The isolation quarters, if newly constructed or altered after January 1, 1938, shall be provided with running hot and cold water.

(j) Each and every nursery and the isolation quarters of such nursery shall be provided with proper receptacles for the temporary disposal of soiled linen, diapers and waste. Such soiled articles shall be removed immediately or within a reasonable time from the nursery or isolation quarters.

(k) All bottles and nipples used for feeding babies shall be thoroughly cleansed in the nursery quarters before return to the formula room or suite.

(l) Anything coming in contact with or introduced within the baby's nose or mouth, must be made sterile and handled only by a person who has scrubbed his or her hands. All tongue depressors, applicators, ear specula, and other examining instruments shall be standard nursery equipment and separate sets shall be maintained for each nursery and for each isolation quarter, and shall be sterilized before use for each baby. The bows of stethoscopes shall be cleaned with a proper solution of alcohol, creosol or other disinfectant before use for each baby.

(m) All gauze, cotton, swabs or other materials intended for use in the care of the baby shall be sterilized and kept or stored in sterile containers.

(n) Equipment of the nursery shall be limited only to furnishings and supplies necessary for the immediate care of the infants.

(o) Dry dusting or sweeping shall be prohibited in all the nurseries and adjoining hallways.

Regulation 3. Special requirements for the care of premature infants.

(a) In addition to all other requirements under these regulations, the provisions of this regulation shall also be observed in the care of premature or immature infants. For the purposes of this regulation, such infants are defined as infants of a birth weight of 2,500 grams or less.

(b) All nurseries in which such infants are cared for shall be equipped so that optimal temperatures and satisfactory humidity may be maintained at all times, either by cribs equipped for this purpose or by other approved methods.

(c) Premature or immature infants delivered outside the lying-in institution in which afterwards cared for, shall be admitted to a special premature isolation nursery, other than the isolation unit for full term ill or infected infants, equipped in accordance with regulation 3b, for a period of observation to assure the absence of infection, before being transferred to the nursery to which finally assigned.

(d) Not more than one unit of three premature infants shall be under the care of one nurse either day or night. In determining the assignment of nurses to units made up of both premature and full-term infants, nursing care shall be provided on this same ratio, calculating the care of one premature infant as equal to that of every three (3) full-term infants.

(e) Nurses assigned to the care of premature or immature infants shall be restricted to duty in nurseries caring only for healthy infants.

(f) All nurses assigned to the care of premature or immature infants shall wear an adequate and effective mask at all times. (*Subdivision (f) added to*

Regulation 3 by resolution filed with City Clerk August 12, 1943 and published in The City Record August 14, 1943.)

Regulation 4. The new-born nursery laundry. All nursery linens, including diapers and articles of infants' clothing, shall be kept separate from linens of other parts of the hospital and when soiled shall be washed and sterilized separately from the linens of other parts of the hospital, in a separate laundry or in the same laundry at definite periods set aside for the laundering of these nursery linens only. Such sterilization shall consist of boiling the linens in water for fifteen (15) minutes and of thorough rinsing in clean water, or of another approved method of sterilization.

Regulation 5. Formula room or suite.

(a) A formula room or suite shall be maintained in all lying-in institutions, specifically for the purpose, completely separated from any diet kitchen, pantry, scullery, or other place of food storage or preparation.

(b) The formula room or suite shall be provided with adequate refrigeration facilities for formulas and milk supplies, and with adequate sterilization facilities for the sterilization of bottles, nipples, bottle caps and other formula preparation utensils.

(c) Any nurse or dietician preparing or assisting in the formula room or suite in the preparation of formulas for babies of the new-born nurseries, shall follow an aseptic technic.

(d) All bottles, nipples, bottle caps and other formula preparation utensils shall be adequately sterilized in the formula room or suite before use in preparing or bottling formulas. Nipples may be sterilized in the nurseries immediately before use.

(e) Each baby shall have its individual set of properly labeled bottles, sufficient for a day's feeding. The storing of formula feedings in bulk is prohibited.

Regulation 6. Accessory rooms. In lying-in institutions where ritual circumcision is done, a separate room shall be maintained for this purpose, which room shall be completely divided by a glass partition of at least (6) feet in height. One side of this room shall be used for the circumcision procedure and the other side for witnesses. All persons concerned with the ritual circumcision shall follow the aseptic technic outlined in Regulation 14a, and all procedures connected therewith shall conform to this technic.

Regulation 7. Sanitary equipment. All nurseries, isolation quarters, formula rooms, examining rooms, labor and delivery rooms, and maternity rooms or wards, shall each have adequate facilities for the scrubbing of hands, suitable disinfectant solution, and receptacles for the efficient temporary disposal of soiled linens and waste.. All plumbing, plumbing fixtures, sterilizers and other similar equipment shall be so constructed, installed and maintained as to prevent cross connections or other sanitary hazards.

Regulation 8. The nursing staff.

(a) A separate nursing staff under the supervision of a registered graduate nurse shall be maintained, both day and night, in the nurseries and isolation quarters concerned with the care of the new-born. Not more than 10 babies shall be under the care of any one individual nurse at any time during the day, and not more than 20 babies under the care of one individual nurse during the night. In so far as possible the same nurse shall be assigned daily to the same group of babies.

(b) Nurses assigned to formula room duty shall be prohibited from doing any type of duty at any time which may bring them in contact with a septic or infected patient in any part of the hospital.

(c) Nurses assigned to the nurseries shall wash their hands thoroughly with soap and hot water after changing or diapering each baby, or at any time should soiling of the hands occur. If at any time during the feeding of any baby it becomes necessary to handle or change the nipple of a feeding bottle, the nurse shall wash her hands thoroughly with soap and hot water and change or handle the nipple by means of sterile concept, or in such other matter that the hands of the nurse will not come in contact with that portion of the nipple entering the baby's mouth.

(d) All nurses assigned to the isolation quarters shall be prohibited from entering the regular or the premature nurseries.

(e) Private nurses may be admitted to the nurseries of private pavilions, provided they comply with all the prescribed regulations as outlined in Regulation 14a. (*Subdivision (e) of Regulation 8 amended by resolution filed with City Clerk August 12, 1943 and published in The City Record August 14, 1943.*)

(f) No persons shall enter the nurseries or the isolation quarters except those immediately concerned with the care of the new-born.

Regulation 9. The medical staff. The medical board or other governing body of such hospital or institution shall designate whether the new-born nurseries are under the supervision of the obstetrical or pediatric service. Such designation shall be in writing, and kept on file in the office of the superintendent and be available for inspection at any time by a representative of the Department of Health.

Regulation 10. Maternity and new-born service case history records. Complete and detailed case history records shall be kept of the progress of all maternity patients and their babies, and be available for inspection at any time by a representative of the Department of Health.

Regulation 11. Examination of maternity and new-born service personnel.

(a) No person suffering with disease in communicable form nor any carrier of communicable disease germs shall be permitted to enter the maternity or new-born services. A certification that each person on duty on these services has been examined by a physician designated by the hospital management and found free from disease in a communicable form shall be kept on file in the office of the superintendent. Such certification shall be based on a medical examination with such laboratory tests as may be indicated.

(Subdivision (a) of Regulation 11 amended by resolution filed with City Clerk January 15, 1943 and published in The City Record January 18, 1943.)

(b) All new personnel shall be similarly examined prior to assignment to the new-born nursery service.

(c) All personnel on duty on the maternity or new-born service shall report immediately to a physician designated by the hospital management, any indisposition however slight; such individuals and all individuals absent from duty because of any illness whatever, shall be excluded from the maternity and new-born services until examined by the physician designated for the purpose and certified by him, in writing, to the superintendent, as not suffering from any condition that may endanger the health of the mothers or babies. All such certifications shall be kept on file in the office of the superintendent and shall at all time be open to inspection by a representative of the Department of Health.

Regulation 12. Examination of maternity patients. All maternity patients shall have a complete history taken, a thorough physical examination, and inquiry made on admission as to any infection. Any history or examination that reveals a communicable or suspected communicable condition or disease or a respiratory, urinary or fecal carrier state shall be sufficient cause to have such patients isolated.

Regulation 13. The care of the new-born baby. The newly-born infant shall be examined for hemorrhage, injuries, defects or signs of infection immediately upon delivery and be further observed daily. If any infection is found or suspected, the baby shall be isolated immediately. All babies shall be re-examined at the time of discharge.

Regulation 14. The aseptic nursery; maternity ward, delivery room and feeding techniques.

(a) All doctors, nurses and other professional hospital personnel in attendance on babies in any of the new-born nurseries or isolation quarters shall before entering such quarters, remove coats or other outer clothing, bare their arms to the elbows, wash their hands and arms thoroughly with soap and hot water and put on clean caps, gowns and masks. Non-professionals such as porters, maids, scrub-women, etc., before entering any nursery quarters, shall similarly don a clean cap, gown and mask. In addition all personnel shall thoroughly wash their hands with soap under running hot water before and after the handling of each baby. Babies shall be handled as little as possible, and in strict accordance with a clean technique as close to that of an aseptic procedure as is possible. The above provision requiring the use of masks shall not apply to nurses regularly assigned to duty in nurseries for the new-born, except while caring for premature or immature infants.

(Subdivision (a) of Regulation 14 amended by resolution filed with City Clerk August 12, 1943 and published in The City Record August 14, 1943.)

(b) All doctors, nurses and other hospital personnel before attendance upon maternity patients, shall wear a clean white coat, gown or uniform and in addition, at the time of perineal care or at the time of pelvic or perineal examination for diagnostic or therapeutic purposes, shall also wear a cap and a suitable mask covering both nose and mouth, and observe a strictly aseptic operative technique in the examination of the patient. Nurses shall wear clean caps and masks and shall wash their hands thoroughly with hot water and soap

before giving breast or perineal care, and shall use sterile stick sponges. If and when visitors are allowed, patients not in individual private rooms may have visitors limited to not more than two at any one time. Visitors shall be instructed not to sit or place wearing apparel on the patient's bed.

(c) Delivery room technique. This shall be in accordance with recognized and approved surgical operative technique.

(d) Prior to each nursing, the mother's hands, nipples and areolae shall be thoroughly cleansed.

Regulation 15. Visitors and visiting hours.

(a) Visiting hours to maternity services shall be set at such a time as not to coincide with the hours when the new-born infants are in the maternity ward or rooms for nursing by their mothers. There shall be a minimum of visiting permitted on all maternity services.

(b) Visitors or individuals not connected with the direct care of the babies shall be prohibited from entering the new-born nurseries at any time.

(c) Children under 14 years of age shall be prohibited from admittance to any maternity ward at any time.

Regulation 16. Copy of regulations to be kept readily available. A copy of these regulations shall be kept on the maternity service of all lying-in institutions for the information and guidance of all personnel connected with such service. (*Adopted December 14, 1937, amended January 10, 1939, January 1943, August 10, 1943, and September 9, 1947.*)

§111. Sale or use of lead nipple shields prohibited.

(*Renumbered §105, September 9, 1947.*)

§112. Fee for pre-marital laboratory statement.

(*Repealed by resolution filed with City Clerk June 19, 1943 and published in The City Record June 22, 1943, effective June 21, 1943.*)

§112. Regulations governing the payment of fees for pre-marital laboratory statements.

(*Amended by resolution filed with City Clerk May 6, 1941 and published in The City Record May 19, 1941, effective June 1, 1941; repealed by resolution filed with City Clerk June 19, 1943 and published in The City Record June 22, 1943; effective June 21, 1943.*)

§112. Artificial human insemination.

No person other than a physician duly licensed to practice medicine in the State of New York shall collect, offer for sale, sell or give away human seminal fluid for the purpose of causing artificial insemination in a human being or except in accordance with the regulations of the Board of Health of the Department of Health of The City of New York.

(*Adopted June 4, 1947; effective July 1, 1947.*)

R E G U L A T I O N S

REGULATIONS GOVERNING THE PROVIDING OF SEMINAL FLUID FOR ARTIFICIAL HUMAN INSEMINATION.

Regulation 1. A person from whom seminal fluid is to be collected for the purpose of artificial human insemination shall have a complete physical examination with particular attention to the genitalia at the time of the taking of such seminal fluid.

Regulation 2. Such person shall have a standard serological test for syphilis and a smear and culture for gonorrhea not less than one week before such seminal fluid is obtained.

Regulation 3. No person suffering from any venereal diseases, tuberculosis or infection with brucella organisms, shall be used as a donor of seminal fluid for the purpose of artificial human insemination.

Regulation 4. No person having any disease or defect known to be transmissible by the genes shall be used as a donor of seminal fluid for the purpose of artificial human insemination.

Regulation 5. Before artificial human insemination is undertaken, both the proposed donor and the proposed recipient shall have their bloods tested with respect to the Rh factor at a laboratory approved for serology by the Board of Health. If the proposed recipient is negative for the Rh factor, no semen shall be used for artificial insemination other than from a donor of seminal fluid whose blood is also negative for this factor.

Regulation 6. Where artificial human insemination is performed, the physician performing the same shall keep a record which shall show:

- (1) The name of the physician.
- (2) The name and address of the donor.
- (3) The name and address of the recipient.
- (4) The results of the physical examination and the results of the serological examinations, including the tests for the Rh factor.
- (5) The date of the artificial insemination.

Such records shall be regarded as confidential and shall not be open to inspection by the public or by any person other than the Commissioner of Health, an authorized representative of the Department of Health and such other persons as may be authorized by law to inspect such records. The custodian of any such records, the said Commissioner or any other person authorized by law to inspect such records shall not divulge any part of any such records so as to disclose the identity of the persons to whom they relate except as provided by law.

(Adopted June 4, 1947, effective July 1, 1947.)

ARTICLE 8

DRUGS, DEVICES AND COSMETICS

(Former Article 8 consisting of sections 116-126, 126a, 127-132, repealed and new Article 8, consisting of sections 115-126 and 130-135, added by resolution filed with City Clerk May 17, 1940 and published in The City Record May 21, 1940; effective July 1, 1940.)

Section 115. Definitions re: drugs, devices and cosmetics.

116. Drugs and devices; adulterated and misbranded, manufacture and sale of, prohibited.
117. Drugs dispensed on prescription; general provisions.
118. Sale of harmful drugs regulated; prescription required.
- 118a. Sale of antibiotic drugs regulated.
- 118b. Sale of barbiturates regulated; "barbiturate" defined.
- 118c. Dispensing of barbiturates on prescription only; filling and refilling prescriptions.
- 118d. Sale and distribution of barbiturates at wholesale.
- 118e. Barbiturate records.
119. New drugs.
120. Sale of vaccines, viruses, serums, toxins, antitoxins and analogous products regulated.
121. Biological products, free distribution and sale regulated.
122. Poisons; sale and distribution regulated.
123. Methyl alcohol, also known as methanol or wood alcohol; sale and distribution regulated.
124. Drugs and devices; sale of in public streets and distribution of samples prohibited.
125. Sale of valerian or valerianate, etc., regulated; permit.
126. Hypodermic syringe.
127. Labeling of Boric Acid in form of powder, crystal or solution.
130. Cosmetics; adulterated and misbranded, manufacture, sale and use of, prohibited.
131. Coal-tar hair dyes, and cosmetics containing coal-tar colors or metallic compounds; manufacture, sale and use of, regulated.
132. Exemptions in State regulations to apply.
133. Prohibited acts.
134. Possession of drugs, devices or cosmetics, prima facie, deemed to be held for sale.
135. Condemnation and destruction of drugs, cosmetics, animal hairs, skins, etc., and articles made from animal hairs, etc., authorized.

§115. Definitions re: drugs, devices and cosmetics. As used in this article:

1. "**Formulary**" means the latest edition of the official national formulary, and any supplement thereto.
2. "**Pharmacopoeia**" when not otherwise limited, means the latest edition of the official United States Pharmacopoeia, and any supplement thereto.
3. "**Homeopathic Pharmacopoeia**" means the official homeopathic pharmacopoeia of the United States, and any supplement thereto.
4. "**Official Compendium**" means the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, official national formulary, or any supplement to any of them.

5. **"Physician"** means a practitioner of medicine as defined by article one hundred thirty-one of the State Education Law; **"Dentist"** a practitioner of dentistry as defined by article one hundred thirty-three of said law; **"Podiatrist"** a practitioner of Podiatry as defined by article one hundred forty-one of said law; **"Veterinarian"** a practitioner of veterinary medicine as defined by article one hundred thirty-five of said law; **"Nurse"** a practitioner of nursing as defined by article one hundred thirty-nine of said law; and **"Pharmacist"** a person licensed to practice as a pharmacist pursuant to article one hundred thirty-seven of said law.

6. **"Practitioner"** means a physician, dentist, podiatrist and/or veterinarian who is authorized by law to prescribe and administer drugs.

7. **"Prescription"** means a signed written order by a practitioner to a pharmacist for a drug for a particular patient.

8. **"Drugs"** means (1) articles recognized in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, or any supplement to any of them; and (2) articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; and (3) articles (other than food) intended to affect the structure or any function of the body of man or other animals; and (4) articles intended for use as a component of any article specified in clause (1), (2), or (3); but does not include devices or their components, parts or accessories.

9. **"New drug"** means (1) any drug the composition of which is such that such drug is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety of drugs, as safe for use under the conditions prescribed, recommended or suggested in the labeling thereof, except that such a drug not so recognized shall not be deemed to be a "new drug" if at any time prior to the enactment of this article it was subject to the Federal Food and Drug Act of June 30, 1906, as amended, and if at such time its labeling contained the same representations concerning the conditions of its use; or (2) any drug the composition of which is such that such drug, as a result of investigations to determine its safety for use under such conditions, has become so recognized, but which has not otherwise than in such investigations, been used to a material extent or for a material time under such conditions.

10. **"Device"** means instruments, apparatus, and contrivances, including their components, parts and accessories, intended (1) for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; or (2) to affect the structure or any function of the body of man or other animals.

11. **"Cosmetic"** means (1) articles intended to be rubbed, poured, sprinkled or sprayed on, introduced into or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance; and (2) articles intended for use as a component of any such articles; except that such term shall not include soap.

12. **"Poisons"** where not otherwise limited, means any drug, chemical or preparation likely to be destructive to adult human life in quantities of 60 grains or less.

13. **"Label"** means a display of written, printed or pictorial matter upon the immediate container of any drug, device or cosmetic.

14. **"Immediate container"** does not include package liners.

15. **"Labeling"** means all labels and other written, printed or pictorial matter (1) upon any drug, device or cosmetic or any of its containers or wrappers, or (2) accompanying such drug, device or cosmetic.

16. **"Advertisement"** means all representations disseminated in any manner or by any means, other than by labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of drugs, devices or cosmetics.

17. The term **"Federal Food, Drug, and Cosmetic Act"** means the Federal Food, Drug, and Cosmetic Act of the United States of America, approved June 25, 1938, officially cited as public document No. 717, 75th Congress (chapter 675, third session), and all amendments thereto now or hereafter enacted.

18. **"Pharmacy Law"** means Article 137 of the Education Law of the State of New York.

19. **"State Board of Pharmacy"** means the New York State Board of Pharmacy.

20. **"Certified coal-tar colors"** means such coal-tar colors as have been certified or may from time to time be certified under the provisions of the Federal Food, Drug, and Cosmetic Act of 1938, for use in drugs and cosmetics and which are designated as "FD&C," "D&C," "Ext D&C." (1) The term "FD&C" as used in this subdivision shall be taken to mean and include coal-tar colors certified under authority of the Federal Food, Drug, and Cosmetic Act of 1938, for use in foods, drugs, and cosmetics. (2) The term "D&C" as used in this subdivision shall be taken to mean and include coal-tar colors which have been certified under authority of the Federal Food, Drug, and Cosmetic Act of 1938, for use in drugs

and cosmetics. (3) The term "Ext D&C" as used in this subdivision shall be taken to mean and include coal-tar colors which have been certified under authority of the Federal Food, Drug, and Cosmetic Act of 1938, for use in externally applied drugs and cosmetics which are applied only to external parts of the body and not to the lips or to any body surface covered by mucous membrane.

Exception. The authorization contained in the sections in Article 8 for the use of certified coal-tar colors shall not be considered to authorize the use of any certified coal-tar colors in any article which is applied to the area of the eye. The term "area of the eye" means the area enclosed within the circumference of the supra-orbital ridge and the infra-orbital ridge, including the eyebrow, the skin below the eyebrow, the lids, and the eyelashes, the conjunctival sac of the eye, the eyeball, and the soft areolar tissue that lies within the perimeter of the infra-orbital ridge.

(Amended July 8, 1947, effective November 1, 1947.)

§116. Drugs and devices; adulterated and misbranded, manufacture and sale of, prohibited.

No person shall manufacture or produce, or have, sell or offer for sale, or deliver or give away, in the City of New York, any drug or device which is adulterated or misbranded.

(a) (1) If it consists in whole or in part of any filthy, putrid, or decomposed substance; or (2) if it has been prepared, packed, or held under insanitary conditions whereby it may have been contaminated with filth, or whereby it may have been rendered injurious to health; or (3) if it is a drug and its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; or (4) if it is a drug and it bears or contains, for purposes of coloring only, a coal-tar color other than one from a batch that has been certified by the Federal Security Agency, Food and Drug Administration.

(b) If it purports to be, or is represented as, a drug the name of which is recognized in an official compendium, and its strength differs from, or its quality or purity falls below, the standard set forth in such compendium. Such determination as to strength, quality or purity shall be made in accordance with the tests or methods of assay set forth in such compendium, or, in the absence or inadequacy of such tests or methods of assay, then in accordance with tests or methods of assay prescribed by regulations promulgated by the Federal Security Administrator. Deviations from the official assays may be made in the quantities of samples and reagents employed, provided they are in proportion to the quantities stated in the official compendium. No drug defined in an official compendium shall be deemed to be adulterated under this paragraph because (1) it exceeds the standard of strength therefor set forth in such compendium, if such difference from the standard is plainly stated on its label; or (2) it falls below the standard of strength, quality, or purity therefor set forth in such compendium if such difference from the standard is plainly stated on its label. Whenever a drug is recognized in both the United States pharmacopoeia and the homeopathic pharmacopoeia of the United States, it shall be subject to the requirements of the United States pharmacopoeia unless it is labeled and offered for sale as a homeopathic drug, in which case it shall be subject to the provisions of the homeopathic pharmacopoeia of the United States and not to those of the United States pharmacopoeia.

(c) If it is not subject to the provisions of paragraph (b) of this subdivision and its strength differs from, or its purity or quality falls below, that which it purports or is represented to possess.

(d) If it is a drug and any substance has been (1) mixed or packed therewith so as to reduce its quality or strength or (2) substituted wholly or in part therefor.

(e) If it is a drug and is not designated solely by a name recognized in an official compendium unless its label bears (1) the common or usual name of the drug, if such there be; and (2) in case it is fabricated from two or more ingredients, the common or usual name of each active ingredient, including the kind and quantity by percentage by weight or volume or amount of any alcohol, and also including, whether active or not, the name and quantity or proportion of any bromides, ether, chloroform, acetanilid, acetphenetidin, amidopyrine, antipyrine, atropine, hyoscine, hyoscyamine, arsenic, digitalis, digitalis glucosides, mercury, ouabain, strophanthin, strychnine, thyroid, or any derivative or preparation of any such substances contained therein. Provided that, to the extent that compliance with the requirements of clause (2) of this paragraph is impracticable, exemptions may be granted by the Board of Health.

(f) Unless its labeling bears (1) adequate directions for use; and (2) such adequate warnings against use in those pathological conditions or by children where its use may be dangerous to health, or against unsafe dosage or methods or duration of administration or application, in such manner and form, as are necessary for the protection of users: Provided, that, where any requirement of clause (1) of this paragraph, as applied to any drug or device, is not necessary for the protection of the public health, exemption of such drug or device from such requirement may be granted by the Board of Health.

(g) If it purports to be a drug the name of which is recognized in an official compendium, unless it is packaged and labeled as prescribed therein, except when the method of packing has been modified with the consent of the State Board of Pharmacy in accordance with its regulations. Whenever a drug is recognized in both the United States pharmacopoeia and the homeopathic pharmacopoeia of the United States, it shall be subject to the requirements of the United States pharmacopoeia with respect to packaging and labeling unless it is labeled and offered for sale as a homeopathic drug in which case it shall be subject to the provisions of the homeopathic pharmacopoeia of the United States, and not to those of the United States pharmacopoeia.

(h) (1) If it is a drug and its container is so made, formed, or filled as to be misleading; (2) if it is an imitation of another drug; (3) if it is offered for sale under the name of another drug; or (4) if it bears a copy, counterfeit, or colorable imitation of the trademark, label, container or identifying name or design of another drug.

(i) If it is dangerous to health when used in the dosage, or with the frequency or duration prescribed, recommended or suggested in the labeling thereof.

(j) The labeling provisions of this section shall not apply to the compounding and dispensing of drugs on the written prescription of a physician, a dentist, a podiatrist or a veterinarian. Such labeling provisions shall apply to a drug dispensed in the course of conduct of a business of dispensing drugs pursuant to diagnosis by mail. The provisions contained in paragraphs (d) and (e) of subdivision 2 herein shall not be construed as modifying any of the provisions of section 118 which prohibits the sale of certain drugs at retail except on a written prescription.

(Adopted May 14, 1940, effective July 1, 1940; subdivision 1 amended April 9, 1946.)

§117. Drugs dispensed on prescription; general provisions.

1. No person shall compound or dispense any drug on a prescription in which any drug is stated in a code name or a name not generally recognized in the pharmaceutical profession; nor shall any ingredient be substituted for another in any prescription.

2. In addition to any other requirements in this article or in any other laws applicable to labels on drugs dispensed on written prescription, drugs compounded or dispensed on a written prescription shall bear a label containing the name and place of business of the dispenser, the serial number and date of compounding such prescription, the direction for use and the name of the practitioner. In the case of barbiturates as defined in Section 118b the label shall contain in addition the name and address of the patient, and if such drug was prescribed for an animal, a statement showing the species of the animal.

3. In addition to any other records required to be kept by this article or by any other law, every prescription when filled shall be kept on file by the pharmacist for at least two (2) years and shall be open to inspection by a representative of the Department of Health or such other agency as is authorized by law. Every prescription for a barbiturate as defined in Section 118b shall be endorsed with the name of the compounder of the prescription and if refilled the name of the person compounding the prescription at the time of the refilling, together with the date thereof.

(Adopted May 14, 1940, effective July 1, 1940; amended July 8, 1947; effective November 1, 1947.)

§118. Sale of harmful drugs regulated; prescription required.

1. No harmful drug as defined herein shall be sold at retail, or dispensed or given away to any person in The City of New York, except on a written prescription of a physician, dentist, podiatrist, or veterinarian, and no pharmacist or other person shall dispense any such drug without affixing to the container in which the drug is sold or dispensed, a label as required in subdivision 2 of section 117 of this article. No prescription for a sulfonamide drug or for an hypnotic or somnifacient drug, as defined and listed in subdivision 3 of this section, shall be renewed or refilled by a pharmacist if the prescription bears any indication that it is not to be renewed or refilled; nor shall a copy or duplicate of such prescription be given away except to a representative of the Department of Health or such other agency as is authorized by law.

2. No manufacturer, wholesaler, jobber or dealer in drugs other than a retail pharmacist, shall sell or have in his possession a harmful drug, unless the container bears a label securely attached thereto, stating conspicuously in printed words the chemical as well as the common or usual name of the harmful drug and the quantity or proportion thereof. If the harmful drug is one of the drugs mentioned in paragraphs (d) or (e) of subdivision 2 of section 116 of this article, the label shall also comply with the respective requirements of such paragraphs.

3. For the purpose of this section the term "harmful drug" shall mean and include any of the following drugs or any derivatives or active principles when such derivatives or active principles have a similar therapeutic action, and any preparations, compounds or

mixtures thereof, except that the said term "harmful drug" shall not for the purpose of this section mean or include any such preparations, compounds or mixtures as also contain any barbiturate as defined in and regulated by Section 118b:

Aconite—Except for external use in combination with other ingredients unfit for internal administration.

Amidopyrine.

Amphetamine (benzedrine)—Except for external use in combination with other ingredients unfit for internal administration.

Antimony and potassium tartarate (tartar emetic)—If in excess of $\frac{1}{2}$ grain per dose.

Bichloride of mercury—In dry form, or if in solution more than $\frac{1}{4}$ grain to the ounce.

Cannabis Indica (Indian hemp)—Leaf and flowering tops.

Cannabis Indica—Except for external use in combination with other ingredients unfit for internal administration.

Cantharides—Except for external use in combination with other ingredients unfit for internal administration.

Carbolic Acid—If stronger than 5 per cent, except preparations, compounds or mixtures containing derivatives of phenol which are used essentially for purposes of disinfection and antiseptis.

Chlorbutanol—

(a) Except for external use in combination with other ingredients unfit for internal administration.

(b) Except when used as a preservative or local anesthetic, if not in excess of $\frac{1}{2}$ per cent by weight.

Cinchophen.

Cocaine.

Codeine—If in excess of 1 grain in 1 fluid or avoirdupois ounce.

Demerol (1-methyl-4-phenyl-piperdine-4-carbonic acid ethylester).

Digitalis.

Dinitrocresol.

Dinitrophenol.

Ergot.

Estrogen, natural or synthetic—Except for external use in combination with other ingredients unfit for internal administration.

Ether—

(a) Except for external use in combination with other ingredients unfit for internal administration.

(b) Except if used internally, when in preparations in accordance with formulae in the official compendium.

Eucaïne, alpha or beta—Except for external use in combination with other ingredients unfit for internal administration.

Gossypium Radix (cotton root).

Hellebore.

Heroin.

Hypnotic and somnifacient drugs—

a. Allylisopropylacetyl-carbamide (sedormid).

b. Chloral (chloral hydrate).

c. Diethylsulfondiethylmethane (tetronal).

d. Diethylsulfonmethylethylmethane (trional).

e. Diethylsulfondimethylmethane (sulphonal).

f. Paraldehyde.

Melubrin.

Morphine.

Oil of Croton.

Oil of Pennyroyal.

Oil of Savin.

Oil of Tansy.

Opium—Except Stokes' Expectorant or Brown Mixture, when sold in a quantity not more than four fluid ounces.

Radium or other radio-active substances.

Strophanthus.

Sulfonamide drugs—For internal or for external use.

Thyroid.

4. The provisions of this section shall apply to any of the above mentioned drugs whatever may be the name under or by which the same may be called or known.

5. No harmful drug shall be dispensed at retail in this city in the course of conduct of a business of dispensing drugs pursuant to diagnosis by mail.

6. Bichloride of mercury tablets containing more than 0.1125 grams of mercury bichloride, when sold or dispensed, shall conform to the requirements of the United States pharmacopoeia and, in addition thereto, the "Large Poison Tablets of Mercury Bichloride" (U. S. P.) shall be stamped with the word "Poison."

7. The term "internal use" as used in this section shall mean and include administration orally or by parenteral injection. All other methods of administration including inhalation, spray, gargle, and wash, shall be deemed as external use.

8. This section shall not be construed as modifying the laws of the State of New York relative to the prescribing and dispensing of narcotic drugs or to the privileges of physicians, dentists, podiatrists or veterinarians to diagnose or prescribe within the limits of their respective licenses to practice.

9. This section shall not apply to the sale of any substance for use in the arts, or to articles or substances intended for generally recognized mechanical or industrial consumption or use; nor shall the term "given away" as used in this section apply to the distribution by manufacturers or wholesale dealers of samples to physicians, dentists, podiatrists or veterinarians, or to the trade.

(Adopted May 14, 1940; amended September 9, 1941, December 9, 1943, February 10, 1942, May 12, 1942, August 10, 1943, August 31, 1943 and July 8, 1947; effective November 1, 1947.)

Section 118a. Sale of antibiotic drugs regulated.

(1) Penicillin and preparations containing penicillin, and other antibiotic drugs shall not be sold at retail or dispensed or given away to any person in The City of New York except on the written prescription of a physician, dentist, podiatrist or veterinarian.

(2) The provisions of this section shall not apply to the following antibiotic agents which are hereby specifically exempted:

(a) Tyrothricin, when used in bandages or prepared dressings in a concentration not greater than ten micrograms per square centimeter of bandage or dressing for topical application to the human skin.

(b) Tyrothricin, when used in a solution in a concentration not greater than 0.02% for application to the mucous membranes of the nose and throat.

(Section 118a added by resolution filed with City Clerk July 30, 1945 and published in The City Record August 4, 1945; effective August 1, 1945; last amended by resolution filed with City Clerk November 20, 1945 and published in The City Record November 26, 1945.)

§118b. Sale of barbiturates regulated; "barbiturate" defined.

Barbiturates, as defined herein, shall be distributed, sold, dispensed, or given away in The City of New York only in accordance with the provisions of this section and Sections 117, 118c, 118d, 118e and 132 of the Sanitary Code.

The term "barbiturate" means:

(a) Derivatives of barbituric acid; and

(b) Preparations composed in whole or in part of any such derivative. The term "barbiturate" does not include barbituric acid itself, or such of its derivatives as do not have hypnotic or somnifacient properties, nor does it include compounds containing, in addition to a barbiturate, such quantity of another drug or drugs that the action of the compound is not primarily hypnotic or somnifacient, provided no such compound contains more than one-fourth ($\frac{1}{4}$) grain of a barbiturate in each dose.

(Adopted July 8, 1947; effective November 1, 1947.)

§118c. Dispensing of barbiturates on prescription only; filling and refilling prescriptions.

1. No barbiturate as defined in Section 118b shall be sold, or dispensed, or given away in The City of New York except by a pharmacist or druggist on an original written prescription as defined in paragraph 7 of Section 115, which prescription shall include the name and address of the practitioner, the name and address of the patient, and if prescribed for an animal, the species of such animal.

2. This requirement for a prescription shall not apply to the dispensing of barbiturates directly to a patient by a practitioner, nor to the dispensing of barbiturates by a hospital pharmacy to the wards of that hospital, nor to the sale or distribution of barbiturates by a manufacturer, wholesaler or jobber, but the immediate container in which a barbiturate is delivered by practitioner to a patient in the course of his practice shall bear a label showing:

(a) The date on which such drug was dispensed;

(b) The name and address of the patient and if such drug is prescribed for an animal, a statement showing the species of such animal;

- (c) The directions for the use of the drug ; and
- (d) The name of address of such practitioner.

Nor shall this requirement for a prescription apply to compounds intended for use as a spray or gargle or for external application which contain, in addition to barbiturates, some other drug or drugs rendering them unfit for internal use.

3. The refilling of any prescription for a barbiturate as defined in Section 118b is prohibited unless such prescription includes a statement by the practitioner

- (1) That it may be refilled and

2. Specifying the minimum interval between fillings and the total number of refillings prescribed. No such prescription shall be refilled in any event later than three (3) months after the original issuance thereof.

4. The filling or refilling of a barbiturate prescription which is not the original signed prescription but only a copy thereof, is prohibited. No person shall issue a copy or copies of prescriptions for barbiturates to any other person. This shall not apply to the issuance of a copy of a prescription authorized by the original practitioner who wrote the original prescription, or to a representative of the Department of Health, or to a court pursuant to judicial process, or to such other agency as is authorized by law.

(Adopted July 8, 1947; effective November 1, 1947.)

§118d. Sale and distribution of barbiturates at wholesale.

No manufacturer, wholesaler or jobber shall sell, distribute or give away barbiturates except to persons duly registered with the New York State Board of Pharmacy, to institutions authorized by law to have or to sell such drugs, or to a duly licensed practitioner.

(Adopted July 8, 1947; effective November 1, 1947.)

§118e. Barbiturate records.

1. Pharmacy records. Pharmacists shall be required to keep a record of bills, showing the kinds and amounts of barbiturates, as herein defined, purchased or otherwise obtained, with the dates, names and addresses of the person from whom such barbiturates are purchased or obtained. Such records of bills shall be kept or filed for a period of at least two (2) years. Before January 31, 1948, pharmacists shall prepare an inventory showing the kinds and amounts of barbiturates as herein defined, on hand at the time.

2. Manufacturers', wholesalers' and jobbers' records. Manufacturers, wholesalers and jobbers shall maintain records showing the kinds and amounts of barbiturates manufactured or received, and the kinds and amounts of barbiturates distributed or sold. The records shall indicate the quantities manufactured or received and the dates of such manufacture, or the dates and names and addresses of persons from whom barbiturates are purchased, and the quantities of such purchases, and the dates and names and addresses of persons to whom the barbiturates are delivered, and the quantities so delivered. Each such record shall be kept on file for a period of two (2) years. Before January 31, 1948, manufacturers, wholesalers and jobbers shall prepare an inventory showing the kinds and amounts of barbiturates as herein defined, on hand at the time.

3. Hospital records. The provisions of this section relating to pharmacists shall apply to pharmacists in charge of hospital pharmacies. Prescriptions for barbiturates for out-patients of hospitals shall be kept on file, and requisitions from wards and other hospital services shall constitute the records of dispensing of barbiturates to patients in the hospital. Such records shall show the kind and amount of barbiturate delivered to the ward and the date of such delivery. Each record shall be kept on file for a period of at least two (2) years.

4. All records and inventories required by this section shall be open for inspection at all times by representatives of the Department of Health.

(Adopted July 8, 1947; effective November 1, 1947.)

§119. New drugs.

1. No person shall sell, deliver, offer for sale, hold for sale, or give away any new drug, unless an application with respect thereto has become effective under the Federal Food, Drug, and Cosmetic Act, or under Section 1360 of the Pharmacy Law.

2. A drug dispensed on a written prescription signed by a physician, dentist, podiatrist or veterinarian (except a drug dispensed in the course of the conduct of a business of dispensing drugs pursuant to diagnosis by mail), shall be exempt from the requirements of this section if such drug bears a label containing the information required in subdivision 2 of section 117 of this article for drugs dispensed on prescription.

3. Drugs intended solely for investigational use by experts qualified by scientific training and experience to investigate the safety of drugs and labeled "For Investigational Use Only" and produced and used in accordance with regulations of the State Board of Pharmacy promulgated for such purpose, shall be exempt from this section.

4. This section shall not apply to any drug which is licensed under the Federal virus, serum, and toxin act of July 1, 1902 (U. S. C. 1934 Ed. Title 42, Chapter 4), or to the Federal virus, serums, toxins, antitoxins and analogous products act of March 4, 1913 (U. S. C. 1934 Ed. Title 21, Chapter 5).

§120. Sale of vaccines, viruses, serums, toxins, antitoxins and analogous products regulated.

1. No person shall have, offer for sale, sell or give away or exchange in The City of New York any vaccine, virus, therapeutic serum, toxin, antitoxin, or analogous product applicable to the prevention or treatment of diseases of man, unless (a) such vaccine, virus, serum, toxin, antitoxin, or analogous product has been propagated and prepared at an establishment holding an unsuspended and unrevoked license, issued by the Federal Security Administrator, to propagate and prepare such vaccine, virus, serum, toxin, antitoxin or analogous product for sale; nor (b) unless each package of such vaccine, virus, serum, toxin, antitoxin or analogous product has affixed thereto a label by the manufacturer stating the proper name of the article contained therein, the name, address, and license number of the manufacturer, the lot number, and the date beyond which the contents cannot be expected beyond reasonable doubt to yield their specific results. Provided, that the suspension or revocation of any license shall not prevent the sale, barter or exchange of any vaccine, virus, serum, toxin, antitoxin or analogous product aforesaid which has been sold and delivered by the licensee prior to such suspension or revocation, unless the owner or custodian of such vaccine, virus, serum, toxin, antitoxin, or analogous product aforesaid, has been notified by the Federal Security Administrator not to sell, barter or exchange the same.

2. This section shall not apply to autogenous vaccines; nor shall it apply to any vaccine, virus, serum, toxin, antitoxin or analogous product, produced in a non-commercial research laboratory, to be used for scientific purposes only.

3. No person shall have, keep, offer for sale or sell in The City of New York any such vaccine, virus, serum, toxin, antitoxin or analogous product, later than the date made upon the label by the manufacturer as indicative of the date beyond which the contents cannot be expected beyond reasonable doubt to yield specific results. Provided, that when the word "CONDEMNED" is legibly and conspicuously stamped or written in ink across the label of the package, it shall not be a violation of this subdivision.

4. No person shall falsely label or mark any package or container of any vaccine, virus, serum, toxin, antitoxin, or analogous product aforesaid, nor alter any label or mark on any package or container of any vaccine, virus, serum, toxin, antitoxin, or analogous product aforesaid so as to falsify such label or mark.

(Adopted May 14, 1940, effective July 1, 1940.)

§121. Biological products, free distribution and sale regulated.

1. Biologocial products prepared by the Department of Health shall be distributed and sold in accordance with the provisions of this section and the regulations of the Board of Health.

2. Any duly licensed physician who shall find it necessary to administer any antitoxin, vaccine or other biological product, to a patient unable to pay or dependent upon another or others unable to pay for such antitoxin, vaccine or other biological product, may receive, free of charge, the requisite quantity thereof upon application to the Department of Health or any of its duly authorized agents, provided that such physician shall sign a stipulation to the effect that he or she, as the case may be, will not exact or receive from such patient any pay for such antitoxin, vaccine or other biological product. When such person is a patient in or an inmate of a hospital or institution, other than one conducted by The City of New York, the aforesaid stipulation shall be signed by the superintendent of the hospital or institution, as the case may be. Every such stipulation shall be filed with the Department of Health.

3. Any physician, or any hospital or institution or the superintendent thereof, exacting or receiving such pay after having signed such stipulation shall be deemed to have violated the provisions of this section.

(As amended; filed with City Clerk October 11, 1941 and published in The City Record October 16, 1941; effective January 1, 1942.)

REGULATIONS

§121: Regulations 1-7. *(Added by resolution filed with City Clerk October 11, 1941 and published in The City Record October 16, 1941; effective January 1, 1942.)*

Regulation 1. General policy. Biological products prepared and distributed by the Bureau of Laboratories of the Department of Health are intended primarily for use by the Department of Health and for those resi-

dents of The City of New York unable to pay or dependent upon another or others unable to pay. The price list contained in Regulation 6 has been established by the Board of Health to govern all sales of these biological products.

Regulation 2. Free distribution to physicians.

(a) The price for any biological product mentioned in the established price list may be waived if the physician signs a stipulation ("free slip" form) to the effect that the patient is unable to pay, or dependent upon another or others unable to pay, and that he will not exact or receive from such patient any pay for such biological.

(b) Products which are stocked and available only in the Bureau of Laboratories may be issued free without a signed stipulation on a "free slip" form if the messenger brings an order signed by a physician stating in effect that the patient is unable to pay and that he will not exact or receive from such patient any pay for such biological, or when the physician makes such a statement over the telephone and agrees to confirm same by mailing either a signed "free slip" or such a signed order. If such confirmation is not received by the Bureau of Laboratories within fourteen days following the delivery of said products, the physician shall be billed in accordance with the established prices. This procedure shall apply also to hospital cases except that the "free slip" shall be signed by the superintendent thereof.

Regulation 3. Free distribution to hospitals, institutions, and other agencies.

(a) Biological products may be supplied free of charge to:

1. Hospitals and institutions conducted and maintained by The City of New York.
2. The State Militia or Home Guard located in The City of New York when under State jurisdiction.

3. Physicians of labor or construction camps engaged upon City work when such distribution shall be considered by the Commissioner of Health or the Director of the Bureau of Laboratories as essential to the public health.

4. Institutions in The City of New York for educational purposes, and to institutions and investigators for scientific purposes, upon approval of the Commissioner of Health or the Director of the Bureau of Laboratories.

5. Philanthropic organizations, other than hospitals and institutions, caring for residents of The City of New York, upon approval of the Commissioner of Health or the Director of the Bureau of Laboratories.

(b) Tetanus antitoxin or tetanus toxoid shall be distributed free of charge to the veterinarians in the employ of The City of New York for administration to horses owned by the City. These products may also be distributed free of charge to animal relief organizations within the City if such animals are treated without charge.

(c) The Director of the Bureau of Laboratories may issue a quantity of biologicals different than that ordered, when in his opinion the quantity ordered appears inconsistent with the need.

(d) Hospitals and institutions, other than those conducted by the City, shall receive free credit for the replacement of such biologicals as are used for the immunization and treatment of residents of The City of New York who are general ward or out patients and for which there are presented "free slips" (hospital form) executed by the superintendent of the hospital or institution.

Regulation 4. A free slip not acceptable in compensation insurance cases. No physician, and no superintendent of a hospital or institution shall sign a "free slip" for any biological product in compensation insurance cases.

Regulation 5. Distribution by the Department of Health.

(a) Biological products supplied to the Borough Offices and Health Centers of the Health Department are for the use of the employees of the Department for the performance of their duties; and no such products shall be distributed by the Borough Offices or Health Centers except upon a "free slip" signed by a duly licensed physician or the payment of the established price in accordance with these regulations. Such Health Officers and Centers shall report and account to the Auditor of the Department at least once each month for biologicals distributed on "free slips" and for monies received for biologicals sold.

(b) Biological products may be distributed through consignment stations established by the Board of Health. The Director of the Bureau of Laboratories shall determine which products shall be made available for distribution through these stations. Additional specific provisions concerning such distribu-

tion are incorporated in the contract centered between such consignment station agent and the Department of Health.

(c) Except in cases of cash sales, distribution of biological products for use outside the City shall be limited to the Bureau of Laboratories. All products distributed for use outside the City shall be charged for in accordance with the established price list except:

1. When for scientific purposes pursuant to Regulation 3, subdivision (a), paragraph 4.

2. When for philanthropic organizations caring for residents of The City of New York, pursuant to Regulation 3, subdivision (a), paragraph 5, and

3. In cases of "free slips" for general ward or out patients, residents of The City of New York, pursuant to Regulation 3, subdivision (d).

(d) No free biologicals shall be delivered by mail within The City of New York.

(e) The Bureau of Laboratories shall report and account to the Auditor of the Department at least once each month for biological products delivered and charged to consignment stations, for biological products distributed free by the Bureau and for monies received by the Bureau for biologicals sold. The Bureau of Laboratories shall also report each day to the Auditor the daily sales and charges for biological products delivered to consignment stations.

Regulation 6. Established price list. The biological products referred to herein are divided into four groups merely for listing purposes, namely:

- (A) Standard Products.
- (B) Special Products.
- (C) Rabies Vaccine.
- (D) Bulk Products.

GROUP (A) STANDARD PRODUCTS

A charge of 25 cents shall be added to the list price for any biological product in a syringe container. If a free slip is presented for antitoxin in syringe container a charge of 25 cents shall be collected for the container. This charge cannot be remitted.

Product	Size	Container	Price
Bacterial Vaccines:			
1. Pertussis Vaccine	5 cc.	vial	\$2.00
2. Pertussis Vaccine	10 cc.	vial	3.50
3. Typhoid Vaccine	3 cc.	vial	.25
4. Typhoid Vaccine	10 cc.	vial	.40
5. Typhoid-Paratyphoid	3 cc.	vial	.25
6. Typhoid-Paratyphoid	10 cc.	vial	.40
Diphtheria Products:			
7. Diphtheria Antitoxin	25,000 units	vial	5.00
8. Diphtheria Toxin for Schick Test and Schick Control	2-2 cc. vials	package	.50
9. Diphtheria Toxin for Schick Test	2 cc.	vial	.25
10. Diphtheria Toxoid Alum Pre- cipitated	2-1 cc. vials	package	.50
11. Diphtheria Toxoid Alum Pre- cipitated	6 cc.	vial	1.00
12. Diphtheria Toxoid Alum Pre- cipitated	25 cc.	vial	2.00
13. Diphtheria Toxoid Fluid	3 cc.	vial	.25
14. Diphtheria Toxoid Fluid	6 cc.	vial	.50
15. Diphtheria Toxoid Fluid	25 cc.	vial	1.00
Human Serum:			
16. Convalescent Human Scarlet Fever Serum	10 cc.	vial	2.50
17. Convalescent Human Scarlet Fever Serum	20 cc.	vial	5.00
Pneumococcic Antiserum (Rabbit):			
18. Pneumococci Therapeutic Antiserum	50,000 units	vial	15.00
19. Pneumococcic Therapeutic Antiserum	100,000 units	vial	25.00

Smallpox Vaccine :

20. Smallpox Vaccine	1 Vaccination	1 Capillary Tube.	.10
21. Smallpox Vaccine	10 Vaccinations	10 Capillary Tubes.	.75
22. Smallpox Vaccine (Not for Human Use)	1 cc.	vial	2.00

Tetanus Products :

23. Tetanus Antitoxin	1,500 units	vial	.50
24. Tetanus Antitoxin	20,000 units	vial	5.00
25. Tetanus Toxoid Alum Precipitated	2-1 cc. vials	package	1.25
26. Tetanus Toxoid Alum Precipitated	6 cc.	vial	2.00
27. Tetanus Toxoid Fluid	3 cc.	vial	1.00
28. Tetanus Toxoid Fluid	6 cc.	vial	1.50

Tuberculin :

29. Tuberculin Cutaneous Test	1 cc.	vial	.50
30. Tuberculin Intracutaneous Test	—	outfit	.50

GROUP (B) SPECIAL PRODUCTS

These products may not be sold and are to be issued only on "Free Slip." These products are limited to distribution in the city only. Items 5, 6 and 7 may be distributed from consignment stations but are not to be sold. Item 8 is to be distributed solely for the use of the Department of Health. The following prices are adopted only for accounting purposes :

Product	Size	Container	Price
1. Pneumococcic Therapeutic Antiserum (Horse)	20,000 units	vial	\$5.00
2. Pneumococcic Therapeutic Antiserum (Horse)	50,000 units	vial	10.00
3. Pneumococcic Therapeutic Antiserum (Horse)	100,000 units	vial	15.00
4. Pneumococcic Typing Antiserum (Rabbit)	0.5 cc.	vial	1.00
5. Scarlatinal Toxin for Dick Test.....	2 cc.	vial	.50
6. Scarlatinal Toxin for Dick Test Control	2 cc.	vial	.50
7. Scarlatinal Toxin for Immunization, 5 vials	2 cc.	package	1.50
8. Smallpox Vaccine	50 vaccinations	50 capillary tubes	3.00

GROUP (C) RABIES VACCINE

These products are distributed free to all residents notwithstanding ability to pay. In such cases the physician shall execute a free slip omitting therefrom any reference to patient's ability to pay. The following prices are for accounting purposes and for sales to non-residents :

Product	Size	Price
Rabies Vaccine :		
1. Rabies Vaccine	Full course (14 doses)	\$15.00
2. Rabies Vaccine	One-half course (7 doses)	8.00
3. Rabies Vaccine	One dose	1.25

GROUP (D) BULK PRODUCTS

Product	Size	Container	Price
Citrated Normal Horse Blood.....	Bulk	1 liter bottle	\$10.00

(Regulation 6 of §121 amended by resolution filed with City Clerk September 20, 1945 and published in *The City Record* September 26, 1945; effective immediately.)

Regulation 7. Prices net; discounts, credits, exchanges and claims regulated.

(a) All prices mentioned in the established price list are not with the following exceptions:

1. Consignment stations—A discount of 25 per cent on all biological products to consignment stations.

2. Smallpox vaccine—A discount to all agencies listed herein. The discount shall be 10 per cent on sales of from 10 to 500 capillary tubes and the discount shall be 33⅓ per cent on sales exceeding 500 capillary tubes when sold in packages of 10 capillary tubes or 25 per cent on sales exceeding 500 capillary tubes when sold in individual packages.

a. United States Government.

b. Red Cross or other similar organizations.

c. Hospitals or institutions other than City maintained.

d. Other departments of health.

e. Other health officers.

f. Druggists.

g. Steamship lines docking in the Port of New York including the New Jersey side thereof.

(b) If any goods of a value of \$1 or more are returned within 14 days of date of shipment a credit of 50 per cent shall be allowed. No credit shall be allowed on any returned product after 14 days of date of shipment or for products of a value of less than \$1.

(c) Full credit or exchange shall be allowed for defective products. Evidence must be furnished that the product is defective. No claim for defective products shall be considered unless made within 14 days of date of shipment.

(d) No credit or exchange shall be allowed for any product returned without the original wrapper bearing the lot number and date of expiration of product nor for any vial or outfit used in part.

(e) No claim for shortage of shipment shall be considered unless made within 14 days of date of shipment.

(Regulation 7 amended by resolution filed with City Clerk December 20, 1943 and published in *The City Record* December 22, 1943; effective July 1, 1944; and by resolution filed with City Clerk July 19, 1944 and published in *The City Record* July 21, 1944.)

§122. Poisons; sale and distribution regulated.

1. It shall be unlawful for any person to sell at retail or to furnish any of the poisons of schedules A and B of this section without affixing or causing to be affixed to the bottle, box, vessel or package, a label with the name of the article and the word "POISON" distinctly shown and with the name and place of business of the seller all printed in red ink together with the name of such poison and the antidote therefor printed or written thereupon in plain, legible characters.

2. The provisions of this section shall not apply to medicinal compounds containing poisonous drugs in therapeutic doses, unless the medicinal compound contains poisonous drugs in such quantities that they are dangerous to health when used in the dosage of frequency or duration recommended or suggested in the labeling thereof.

3. Nothing in this section shall be construed as modifying any of the provisions of Section 118 of this article which prohibits the sale of certain drugs at retail except on written prescription.

4. Manufacturers and wholesale dealers in drugs, medicines, pharmaceutical preparations, chemicals or poisons shall affix or cause to be affixed to every bottle, box, parcel or outer inclosure of any original package containing any of the articles of schedule A a suitable label or brand in red ink with the word "poison" upon it.

5. Schedule A. Arsenic, atropine, corrosive sublimate, potassium cyanide, chloral hydrate, hydrocyanic acid, morphine, strychnine and all other poisonous vegetable alkaloids and their salts, oil of bitter almond containing hydrocyanic acid, opium and its preparations, except paregoric and such others as contain less than two grains of opium to the ounce.

6. Schedule B. Aconite, belladonna, cantharides, colchicum, conium, cotton root, digitalis, ergot, hellebore, henbane, phytolacca, strophantus, oil of slavin, oil of tansy, veratrum viride and their pharmaceutical preparations, arsenical solutions, carbolic acid, chloroform, creosote, croton oil, white precipitate, mineral acids, oxalic acid, paris green, salts of lead, salts of zinc, or any drug, chemical or preparation which is liable to be destructive to adult human life in quantities of sixty (60) grains or less. When a drug enumerated in Schedule B

is dispensed on a written prescription of a physician, dentist, podiatrist or veterinarian, the label requirements herein shall not apply but the container shall be labeled as required in subdivision 2 of section 117 of this article.

§123. Methyl alcohol, also known as methanol or wood alcohol; sale and distribution regulated.

1. No person shall sell, offer for sale, give away, deal in, or supply, or have in his or her possession with intent to sell, offer for sale, give away, deal in, or supply, any article of food or drink or any drug or cosmetic, which contains any methyl alcohol also known as methanol or wood alcohol, either crude or refined, whatever may be the name or trade-mark under or by which the said methyl alcohol shall be called or known.

2. No person shall sell, offer for sale, give away, deal in, or supply, or have in his or her possession with intent to sell, offer for sale, give away, deal in, or supply, any methyl alcohol also known as methanol or wood alcohol either crude or refined, whatever may be the name or trade-mark under or by which the said methyl alcohol shall be called or known, without affixing or causing to be affixed to the bottle, box, vessel or package, a label with the name of the article and the word "Poison" distinctly shown and with the name and place of business of the seller all printed in red ink together with the words "Methanol" or "Wood Alcohol," the antidote therefor and substantially the following warning, conspicuously printed thereon in plain, legible characters:

WARNING—It is dangerous and unlawful to use this fluid in any article of food or drink or in any drug or cosmetic, intended for internal or external human use.

§124. Drugs and devices; sale of in public streets and distribution of samples prohibited.

No person shall, in any public street, highway or park in the City of New York, peddle, hawk or offer for sale or sell any drug or device; nor shall any person in said City distribute, free of charge, or throw away, any drug or device in any street or public place, or from door to door, or by depositing or leaving the same upon private premises, except that this provision shall not apply to the distribution by manufacturers or wholesale dealers of samples of drugs or devices to physicians, dentists, podiatrists or veterinarians or to the trade. However, such samples, in addition to other labeling requirements, must be conspicuously labeled "SAMPLE—NOT TO BE SOLD," and no person shall sell or offer for sale any such sample.

§125. Sale of valerian or valerianate, etc., regulated; permit.

1. (a) No person other than a duly licensed physician, veterinarian or pharmacist shall bring into the City of New York, or manufacture, use or have in his possession in the said City any valerian or valerianate or any of its derivatives, preparations or compounds or any synthetic substance having a similar, characteristic, strong, obnoxious odor or valerian or varenianate or any of its derivatives, preparations or compounds, without a permit issued therefor by the Board of Health. The provisions of this section shall not apply to a person who has received same as a drug in the original container for medicinal purposes on a written prescription from a duly licensed physician or veterinarian as hereinafter provided.

(b) Except as herein otherwise provided for pharmacists, every person who manufactures, uses or sells or gives away any valerian or valerianate or any of its derivatives, preparations or compounds or any synthetic substances having a similar, characteristic, strong, obnoxious odor of valerian or valerianate or any of its derivatives, preparations or compounds shall cause the container to be labeled with the specific name of the drug or chemical and the quantity or proportion or amount contained therein, and shall keep a complete itemized written record of the quantity manufactured or received and the quantity sold, used or dispensed for any purpose whatsoever. Such written record shall state the date of manufacture or receipt, the quantity thereof, the name of the person or firm from whom received and when sold, used or dispensed, the date and quantity sold, used or dispensed, together with the name and address of the purchaser.

(c) No sale shall be made except on a written order signed either by a duly licensed physician, veterinarian or pharmacist or by a person holding a permit as herein provided, and said written order shall state the drug or chemical and the quantity ordered, together with the name and address of the purchaser, and date of said order. All the records herein referred to shall be kept for a period of two (2) years.

2. (a) No person shall, in the City of New York, sell or offer for sale at retail, or give away any valerian or valerianate or any compounds or derivatives thereof or any synthetic substance having a similar, characteristic, strong, obnoxious odor of valerian or valerianate or any compounds or derivatives thereof, in any form except on a written prescription of a duly licensed physician or veterinarian, which prescription shall, in addition to the directions and the quantity prescribed, state clearly and legibly the name and address of the patient for whom or the owner of the animal for which the drug is dispensed. The container of such drug shall be labeled and the prescription shall be kept on file in the manner required in sub-

division 2 of section 117 of this article. No copy or duplicate of such prescription shall be made or given away.

(b) Every pharmacist shall keep a separate itemized record of the date and quantity of all valerian or valerianate or any compounds or derivatives thereof or any synthetic substance having a similar, characteristic, strong, obnoxious odor of valerian or valerianate or any compounds or derivatives thereof received and dispensed by him, except when the same is contained in a proprietary or patent medicine where the label attached to the container states the specific name of the drug or chemical and the quantity or proportion or amount contained therein.

3. No person other than one holding a fumigant permit from the Board of Health shall, in the City of New York, engage in the business of deodorizing or neutralizing the odors, vapors, gases or fumes from valerian or valerianate, or any compounds or derivatives thereof, or any synthetic substance having a similar, characteristic, strong, obnoxious odor of valerian or valerianate or any compounds or derivatives thereof.

4. The provisions of this section shall apply to any of the drugs or chemicals referred to herein whatever may be the name under or by which the same may be called or known, and all records required to be kept pursuant to this section shall be open to inspection by representatives of the Health and Police Departments of The City of New York.

§126. Hypodermic syringe.

No person, except a physician, dentist, veterinarian, nurse, pharmacist, dealer in surgical instruments, or an attendant or interne of a hospital, sanitorium or institution in which persons are treated for disability or disease, shall at any time have or possess a hypodermic syringe or needle or any instrument or implement adapted for the use of cocaine or narcotic drugs by subcutaneous injections and which is possessed for that purpose unless such possession be authorized by the certificate of a physician issued within the period of one (1) year prior thereto.

§127. Labeling of Boric Acid in form of powder, crystal or solution.

No person shall sell, offer for sale, give away, deal in, or supply, or have in his or her possession with intent to sell, offer for sale, give away, deal in, or supply, any boric acid intended for medicinal use in form of powder, crystal or solution, unless the container thereof bears a label with the words, "Boric Acid," and the following warning, legibly and conspicuously printed thereon:

CAUTION—Not for internal use except as a mouth wash, eye wash or douche.

This section shall not apply to the sale of boric acid for use in the arts, or to boric acid intended for generally recognized mechanical or industrial consumption or use.

(§127 added by resolution filed with City Clerk June 2, 1944 and published in *The City Record* June 3, 1944; effective June 15, 1944; and amended by resolution filed with City Clerk September 21, 1944 and published in *The City Record* September 22, 1944.)

§128. Regulations governing sale and distribution of hair dyes and toilet preparations.

(Repealed by resolution filed with City Clerk May 17, 1940 and published in *The City Record* May 21, 1940; repeal effective July 1, 1940.)

§130. Cosmetics; adulterated and misbranded, manufacture, sale and use of, prohibited.

No person shall manufacture or produce in the City of New York, or in said City, have, sell, offer for sale, deliver or give away, or in the conduct of a beauty parlor, barber shop or similar establishment, use or apply upon another person, any cosmetic which is adulterated or misbranded.

1. ADULTERATED COSMETICS. A cosmetic shall be deemed to be adulterated:

(a) If it bears or contains any poisonous or deleterious substances which may render it injurious to users under the conditions of use prescribed in the labeling thereof, or under such conditions of use as are customary or usual: Provided, that this provision shall not apply to coal-tar hair dye, the label of which bears the following legend conspicuously displayed thereon: "Caution—this product contains ingredients which may cause skin irritation on certain individuals and a preliminary test according to accompanying directions should first be made. This product must not be used for dyeing the eyelashes or eyebrows; to do so may cause blindness," and the labeling of which bears adequate directions for such preliminary testing. For the purpose of this paragraph the term "hair dye" shall not include eyelash dyes or eyebrow dyes.

(b) If it consists in whole or in part of any filthy, putrid, or decomposed substance.

(c) If it has been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health.

(d) If its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health.

(e) If it is not a hair dye and it bears or contains a coal-tar color other than one from a batch that has been certified by the Federal Security Agency, Food and Drug Administration.

2. MISBRANDED COSMETICS. A cosmetic shall be deemed to be misbranded:

(a) If its labeling is false or misleading in any particular.

(b) If in package form unless it bears a label containing (1) the name and place of business of the manufacturer, packer, or distributor; and (2) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; Provided, that under clause (2) of this paragraph reasonable variations, and exemptions as to small packages established by regulations of the State Board of Pharmacy shall apply thereto.

(c) If any word, statement, or other information required by or under authority of this article to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

(Adopted May 14, 1940, effective July 1, 1940; amended April 9, 1946.)

§131. Coal-tar hair dyes, and cosmetics containing coal-tar colors or metallic compounds; manufacture, sale and use of, regulated.

No person shall manufacture or produce in the City of New York, or in said City have, sell, offer for sale, deliver or give away, or in the conduct of a beauty parlor, barber shop or similar establishment, use or apply upon another person, contrary to the provisions of this section (a) any coal-tar hair dye, or (b) any cosmetic containing a coal-tar color or metallic compound. The term "coal-tar hair dye" as used in this article includes all substances containing any coal-tar color or intermediate, which color or intermediate alters the color of the hair when such substances are applied to the hair under the conditions of use prescribed in the labeling thereof, or under such conditions of use as are customary or usual. Provided, however, that the term "coal-tar hair dye" as used in this section shall not be deemed to include a hair dye containing, as its sole coal-tar ingredient, a coal-tar color from a batch certified by the Federal Security Agency, Food and Drug Administration.

1. USE OF COAL-TAR COLORS AND COAL-TAR HAIR DYES. No coal-tar color, other than one from a batch that has been certified by the Federal Security Agency, Food and Drug Administration for such purpose, may be used in any cosmetic. Provided, however, a coal-tar hair dye, other than for use on the eyebrows, eyelashes or anywhere in the orbital area, may be sold, offered for sale, delivered or given away, if labeled and accompanied with directions as provided for in the following paragraphs (a) and (b), and in such cases may be used or applied upon a person in a beauty parlor, barber shop or other similar establishment, upon compliance with the provisions of the following paragraphs (c) and (d).

(a) Labeling of coal-tar hair dyes: Every container or package of coal-tar hair dye shall bear a label securely attached with the following printed legend conspicuously displayed thereon:

"CAUTION

This product contains ingredients which may cause skin irritation on certain individuals and a preliminary test according to accompanying directions should first be made. This product must not be used for dyeing the eyelashes or eyebrows; to do so may cause blindness."

(b) DIRECTIONS FOR USE TO BE FURNISHED: Every container or package of coal-tar hair dye, in addition to the aforesaid label, shall be accompanied by printed instructions for making a preliminary (predisposition) test, the text of which is acceptable to the Department of Health.

(c) SIGNS TO BE POSTED IN ESTABLISHMENT: In every beauty parlor, barber shop, or similar establishment where coal-tar hair dye is applied, there shall be posted in a prominent place a legible sign, which shall bear in effect a caution, the letters of the words thereof to be not less than one-half ($\frac{1}{2}$) inch in height, except the word "Caution" shall be one (1) inch in height as follows:

"CAUTION

Coal-tar hair dye used in this establishment contains ingredients which may cause skin irritation on certain individuals and a preliminary test in accordance with the directions accompanying the products should first be made twenty-four hours prior to using said dye. This product must not be used for dyeing the eyelashes or eyebrows."

(d) COAL-TAR HAIR DYE NOT TO BE USED UNDER CERTAIN CONDITIONS: No coal-tar hair dye shall be applied (1) when the scalp or adjacent area shows evidence of any abrasion (break in the skin), eruption or other diseased condition; (2) without first making a preliminary test in accordance with the directions accompanying the product; (3) following such a test if redness or burning, or itching or small blisters, or any other type of eruption appears in the general area used for the skin test.

2. LABELING OF HAIR DYES CONTAINING METALLIC COMPOUNDS.

Every container or package of hair dye containing any metallic compound which metallic compound is present for the purpose of altering the color of the hair and which hair dye is not a coal-tar hair dye, shall bear a label securely attached with the following printed legend conspicuously displayed thereon:

"CAUTION

This product contains ingredients which may cause skin irritation on certain individuals and should be used with care."

3. NO HAIR DYE OF ANY KIND TO BE USED UNDER CERTAIN CONDITIONS. No hair dye of any kind shall be applied to the hair when the scalp or adjacent area shows evidence of any abrasion (break in the skin), eruption or other diseased condition.

4. PROHIBITION AGAINST USE OF CERTAIN PRODUCTS ON EYEBROWS OR EYELASHES; EXCEPTION. No hair dye containing any coal-tar color or intermediate, or a metallic compound, and no cosmetic containing a coal-tar color, shall be applied to or used on the eyebrows, eyelashes or anywhere in the orbital area of any human being, and no such cosmetic or hair dye shall bear, in the labeling thereof, any statement or representation that the said cosmetic or hair dye may be applied or used on the eyebrows, eyelashes or orbital area. Provided, however, that this subdivision shall not apply to a silver preparation when the concentration of silver nitrate and/or its equivalent of compounded silver nitrate, present in any unit or individual container, is less than five percentum (5%) by weight, and such preparation contains no coal-tar color or other metallic compound and is intended and labeled as eyebrow or eyelash dye together with the caution required in subdivision 2 of this section.

The term "orbital area" shall mean and include the area bounded by the supra-orbital ridge and the infra-orbital ridge, including the eyebrow, the skin below the eyebrow, the eyelids, the eyelashes, the conjunctival sac of the eye, the eyeball, and the soft areolar tissue that lies within the perimeter of the infra-orbital ridge.

5. PROHIBITED SUBSTANCES IN COSMETICS.

(a) No cosmetic shall contain any caustic, acid, or other corrosive substance, which may render it injurious under the conditions of use prescribed in the labeling thereof or under such conditions of use as are customary or usual.

(b) No cosmetic shall contain any of the following substances or any compounds thereof:

Antimony; Arsenic; Cadmium; Chormium; Mercury, except 5% by weight or less of ammoniated mercury (U. S. P.); Lead, except in hair dyes; Selenium; Thallium.

(Adopted May 14, 1940; effective July 1, 1940; amended April 9, 1947.)

§132. Exemptions in State regulations to apply.

1. Regulations promulgated by the State Board of Pharmacy pursuant to Sections 1358 and 1363 of the Pharmacy Law exempting from any labeling requirement of the Pharmacy Law drugs, devices and cosmetics which are, in accordance with the practice of the trade, to be processed, labeled, or repacked in substantial quantities at establishments other than those where originally processed or packed, on condition that such drugs, devices and cosmetics are not adulterated or misbranded under the provisions of the Pharmacy Law upon removal from such processing, labeling or repacking establishment, shall apply with the same force and effect to any similar labeling requirement contained in this article, on condition that such drugs, devices and cosmetics are not adulterated or misbranded under the provisions of this article upon removal from such processing, labeling or repacking establishment.

2. Whenever, in any section of this article, reference is made to regulations of the State Board of Pharmacy, it shall be deemed to include such regulations, as relate to the particular subject matter, adopted by said Board and in force on the date at which this article takes effect and as, from time to time, amended or repealed.

(Adopted May 14, 1940; effective July 1, 1940.)

§133. Prohibited acts.

The following acts or the causing thereof are hereby prohibited in The City of New York:

1. The manufacture, sale, delivery for sale, holding for sale or offering for sale or the giving away of any drug, device or cosmetic that is adulterated or misbranded.

2. The adulteration or misbranding of any drug, device or cosmetic.

3. The sale, delivery for sale, holding for sale, or offering for sale or the giving away of any drug, device or cosmetic which is contaminated, unsound, defective or has become ineffective, or in a condition unfit for use internally or externally by man or animal, or which is in violation of this article.

4. The refusal to permit a representative of the Department of Health access to or copying of any record relating to the receipt, sale or shipment of any drug, device or cosmetic.

5. The refusal to permit a representative of the Department of Health entry or inspection of any establishment where drugs, devices or cosmetics are manufactured, processed, packed, kept for sale, sold or stored.

6. The alteration, mutilation, destruction, obliteration or removal of the whole or any part of the labeling of, or the doing of any other act with respect to a drug, device or cosmetic, if such act is done while such article is held for sale and results in such article being misbranded.

7. The using, on the labeling of any drug or in any advertising relating to such drug, of any representation or suggestion that an application with respect to such drug is effective under Section 1360 of the Pharmacy Law, or that such drug complies with the provisions of such section.

8. Any requirement made by or under authority of this article, that any word, statement, or other information appear on the label shall not be considered to be complied with unless it appears in the English language and such word, statement or other information also appears on the outside container or wrapper, if any there be, of the retail package of such drug, device or cosmetic or is easily legible through the outside container or wrapper.

9. If the label contains any representation in a foreign language and the label fails to state in the said foreign language all the words, statements, and other information required by or under authority of this article to appear on the label.

10. If the labeling contains any representation in a foreign language and fails to state in English and in the said foreign language all the words, statements, and other information required by or under authority of this article to appear on the label or labeling.

11. The representation of a drug, device or cosmetic in its labeling, as an antiseptic shall be considered to be a representation that it is a germicide, except in the case of a drug purporting to be, or represented as, an antiseptic for inhibitory use as a wet dressing, ointment, dusting powder, or such other use as involves prolonged contact with the body.

12. The dissemination of any advertisement relative to any drug, device or cosmetic which is false or misleading. No publisher, radio-broadcast licensee, advertising agency, or agency or medium for the dissemination of advertising, except the manufacturer, packer, distributor or seller of the commodity to which the false or misleading advertisement relates, shall be deemed to have violated this article by reason of the dissemination by him of any false or misleading advertisement, unless

(a) He has refused, on the request of the Department of Health, to furnish the said Department in writing with the name and post office address of the manufacturer, packer, distributor, seller or advertising agency, who caused him to disseminate such advertisement; or

(b) He continue disseminating such false or misleading advertisement five (5) days after service upon him, exclusive of the day of service, of a notice by the Commissioner of Health to discontinue disseminating the false and misleading material contained in the advertisement. Service of such notice may be made either:

(1) By delivering a copy thereof to the person to be served, or to a member of the partnership to be served, or the President, Secretary or other executive officer or a Director of the corporation to be served; or

(2) By leaving a copy thereof at the residence or principal office or place of business of such person, partnership, or corporation; or

(3) By registering and mailing a copy thereof to such person, partnership, or corporation at his or its residence or principal place or office of business. The return post office receipt for said notice, registered and mailed as aforesaid, shall be proof of the service of same.

13. If a drug, device or cosmetic is alleged to be misbranded because the labeling is misleading, or if an advertisement is alleged to be false because it is misleading, then in determining whether the labeling or advertisement is misleading there shall be taken into account (among other things) not only representations made or suggested by statement, word, design, device, sound or any combination thereof, but also the extent to which the labeling fails to reveal facts material in the light of such representations or material with respect to consequences which may result from the use of the drug, device or cosmetic to which the labeling or advertising relates under the conditions of use prescribed in the labeling or advertising thereof or under such conditions of use as are customary or usual.

14. No person shall obtain or attempt to obtain a drug or device, or procure or attempt to procure the administration of a drug:

(1) By fraud, deceit, misrepresentation, or subterfuge; or

(2) By the forgery or alteration of a prescription or of any written order; or

(3) By the concealment of a material fact; or

(4) By the use of a false name or the giving of a false address.

15. No person shall make or issue any false or forged prescription or false written order.

16. No person shall wilfully make any false statement in any prescription, order, report, or record, required by these provisions.

17. No person shall affix any false or forged label to a package or receptacle containing drugs or devices.

(Adopted May 14, 1940; effective July 1, 1941; amended July 8, 1947.)

§134. Possession of drugs, devices or cosmetics, prima facie, deemed to be held for sale.

Drugs, devices or cosmetics in the possession of, or held, kept, or offered for sale by a dealer in drugs, devices or cosmetics shall, prima facie, be deemed to be held, kept, or offered for sale for internal or extrnal human use.

§135. Condemnation and destruction of drugs, cosmetics, animal hairs, skins, etc., and articles made from animal hairs, etc., authorized.

Upon any drug, device, cosmetic or animal hair, animal skin, or animal hide, or articles made from animal hairs, furs, animal skins or hides, being found by an inspector or other duly authorized representatives of the Department of Health in a contaminated or unsound condition or in a condition which renders it in his opinion, unfit for human use, externally or internally, or in a condition or of a weight, quality, or strength, forbidden by the provisions of the Sanitary Code, or in a condition where, in his opinion, there is probable cause to believe that the article is adulterated or misbranded, such inspector or duly authorized representative of the said Department is hereby empowered and directed to immediately seize the said drug, device or cosmetic, or animal hair, animal skin, or animal hide, or articles made from animal hairs, furs, animal skins or hides, and affix thereto a label bearing the words "Seized by the Department of Health." Such drug, device or cosmetic, or animal hair, animal skin, or animal hide, or articles made from animal hairs, furs, animal skins or hides, when so labeled shall not be touched, disturbed, sold, offered for sale, or given away, but shall be released, destroyed, or otherwise finally disposed of, as the Department of Health, through the commissioner or deputy commissioner, director of the Bureau of Food and Drugs or chief of the Division of Drug and Cosmetic Inspection, shall direct.

***ARTICLE 8-a**

HABIT-FORMING DRUGS

(Article 8-a consisting of §132-134, 135a, 135b, 135c and 135d, repealed by resolution filed with City Clerk June 20, 1939 and published in The City Record June 22, 1939.)

*(Article repealed June 1, 1939. The provisions of former §135 are now contained in §126 of Article 8. For Uniform Narcotic Drug Act, see Article 22, Public Health Law of the State of New York.)

ARTICLE 9

FOOD AND DRINK

- Section 136. Inspection of food and other substances authorized.
137. Seizure, embargo, condemnation and destruction of animals and food authorized, and regulated.
138. Possession of food or drugs, prima facie, deemed to be held for sale.
139. Food; sale of adulterated or misbranded prohibited; the terms "food," "adulterated," and "misbranded" defined.
- 139a. Sausage or sausage meat; sale of adulterated or misbranded prohibited; the terms "sausage" or "sausage meat," "adulterated" or "misbranded" defined.
- 139d. Almond paste; kernal paste; sale of adulterated or misbranded prohibited; the terms "almond paste," "kernal paste," "adulterated" or "misbranded" defined.
140. Food and drink; not to be sold under a false name or quality.
- 140a. Adulterated meats; distribution prohibited; terms "adulterated," "water added," defined; pumping devices on vehicles prohibited.
141. Poisonous, deleterious and unwholesome substances; use as food prohibited.
- 141a. Bleached flour to be conspicuously marked or labeled.
142. Food; to be protected from dust, dirt, flies, or other contamination.
143. Eating and drinking utensils; use in common prohibited; the term "public place" and "factory" defined.
144. Cooking, eating and drinking utensils to be properly cleansed after being used; the term "properly cleansed" defined; protection of cooking utensils, etc., from dirt, dust, flies, etc.; exception.
- 144a. Wrapping of drinking straws; multiple use of single service paper containers regulated.

145. Prohibited metals in taps, faucets, tanks, fountains, vessels, etc., when used for drinks, beverages and food.
146. Employment of persons affected with a communicable disease prohibited; medical certificate required where milk is produced, pasteurized, etc.
147. Room, factory, stall, place, and appurtenances to be kept in a cleanly and wholesome condition; food, drugs and drink to be clean and wholesome, and not poisoned, infected, or rendered unsafe; personal responsibility of owner, lessee, occupant, or person in charge.
148. Manufacture and storage of food regulated.
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- 148c. Dry warehouses regulated; permit required; the term "dry warehouses for the storage of food" defined.
149. Conduct and maintenance of restaurants regulated; permit required.
150. The care and sale of food and drink in stores regulated.
- 150a. Sale of fish in streets regulated; sale of shellfish in streets prohibited; exception.
- 150b. Conduct and maintenance of retail food processing establishments regulated; permit required.
151. Unwholesome, unclean, watered, or adulterated milk, skimmed milk and cream, and skimmed milk, cream, butter or cheese made therefrom; possession and sale prohibited.
- 151a. Cheese; terms "cheddar cheese," "processed cheese" and "soft cheese" defined; pasteurization or aging; labeling required.
- 151c. Labeling of whipped butter; definition.
152. Adulterated butter, milk and cream; distribution prohibited; terms "adulterated" and "butter" defined.
153. Adulterated milk, skimmed milk, and cream; seizure and destruction authorized.
154. Adulterated condensed milk; distribution prohibited; the term "adulterated" defined.
155. Milk and milk products; sale regulated, permit required, exceptions; Health Department metal plates required on vehicles.
- 155a. Vitamin D milk and milk products defined; production and sale thereof regulated; permit required.
- 155b. Homogenized milk; production, labeling and sale regulated.
156. Milk and milk products regulated; grades and designations for milk and cream; goat's milk regulated.
157. Milk, skimmed milk, and cream; must conform to grade standards.
- 157a. Emergency distribution of milk.
158. Skimmed milk; sale and distribution regulated.
159. Bottles, cans, and other receptacles for holding milk, skimmed milk, and cream; use regulated and restricted.
- 159a. Empty bottles, cans and other receptacles for holding milk, skimmed milk, buttermilk, cream, or ice cream, not to be contaminated with garbage and offensive materials.
- 159b. Sale of loose milk prohibited, exceptions.
- 159c. Sale of loose sweet cream, sour cream, buttermilk, cultured buttermilk, fermented milk, fermented skimmed milk, flavored milk, and flavored drink prohibited; exceptions.
160. Carcasses of calves, pigs, kids or lambs; fish, birds and fowl; sale regulated.
161. Cattle; not to be killed while in an overheated, or feverish condition.
162. Meat and carcass of meat animals; sale regulated; carcass of meat animals to be cooled and entrails removed after killing, exceptions; bringing of wild rabbits into City, regulated.
163. Unhealthy, unsound, unwholesome and unsafe meat, vegetables and milk, possession and sale prohibited; eviscerated or processed poultry, sale restricted; terms "meat," "vegetables" defined.
164. Shellfish defined; sale regulated; permits and registration.
- 164a. Taking shellfish from waters within The City of New York, prohibited; exceptions.
165. Artificial or natural mineral, spring, or other waters; manufacture regulated.
166. Public water supply; purity and wholesomeness protected.
167. Water; duties of persons in authority.
- 167a. Water for drinking and culinary purposes on vessel.
- 167b. Water boats; permit required.
168. Water from wells; the use thereof regulated and restricted.
169. Drinking hydrants; water therefrom not to be rendered unwholesome.

170. Addition of chemicals to water supply in buildings regulated; permit required.
171. Shellfish; sale of adulterated and misbranded prohibited.
172. Sales of carcasses of certain animals restricted.
173. Delivery of meat to be accompanied by delivery ticket.
174. Formula milk regulated; permit required.
175. Frozen desserts and ice cream mix; manufacture and sale regulated; definitions.
176. Frozen desserts and ice cream mix; adulteration or misbranding prohibited.
177. Frozen dessert; permits regulated.
178. Food gelatin; sale of adulterated or misbranded prohibited; the term "food gelatin," "adulterated" and "misbranded" defined.
179. Prohibiting the manufacture, sale and distribution of imitation milk and cream.
180. The use of unclean and unsanitary food receptacles prohibited; to be cleaned after being used.

§136. Inspection of food and other substances authorized.

Dealers in food, drugs, and all other substances used or intended to be used for human consumption, or for internal or external human use, and their agents, and all persons engaged in the transportation thereof, shall allow any duly authorized representative of the Department of Health to freely and fully inspect the cattle, meat, fish, vegetables, milk, and other food or drugs, as well as all other substances used or intended to be used for human consumption, or for internal or external human use, held or kept by them, or intended for sale. S. C., §60; *amended Dec. 28, 1916.*)

§137. Seizure, embargo, condemnation and destruction of animals and food authorized, and regulated.

1. Upon any cattle or other animals, fowl or other birds, meat, fish, vegetables, or milk, or other food or drink, being found by an inspector or other duly authorized representative of the Department of Health in a diseased condition, or in a condition which renders it or them, in his opinion, unfit for use as human food, or in a condition or of a kind, weight or quality forbidden by the provisions of the Sanitary Code, or in a condition, where, in his opinion, there is probable cause to believe that the article is adulterated or misbranded, such inspector or representative is hereby empowered and directed immediately to seize or condemn and, when possible, denature or otherwise destroy the same, or serve a written notice of embargo upon the owner or person in charge thereof, and report his action to the said department without delay.

2. No such cattle or other animals, fowl or other birds, meat, fish, vegetables, or milk, or other food or drink, when seized or embargoed, shall be disturbed, removed, delivered, distributed, sold, offered for sale or given away, but shall be released by the Department of Health for destruction or other final disposition, as the Commissioner or Deputy Commissioner of Health, or Director of the Bureau of Food and Drugs or the Chief of a Division of the Bureau of Food and Drugs, shall direct in writing. Provided, that whenever food is embargoed by such an inspector or representative of the Department of Health as unfit for human consumption and such food is mingled, mixed or packed with wholesome food, it shall be the duty of the owner or person in charge thereof, when so authorized by such inspector or representative in the embargo notice, to separate or sort the wholesome from the unwholesome food in accordance with the regulations of the Board of Health prior to the issuance of the release.

3. Animals or food condemned and destroyed under the provisions of this section shall be removed promptly from the premises by the owner or person in charge thereof, and shall not be allowed to become a nuisance or dangerous or prejudicial to life or health.

(§137 amended by resolution filed with City Clerk January 16, 1942 and published in *The City Record* January 19, 1942.)

REGULATIONS

§137. Regulations governing the separating and sorting of embargoed food. (*Amended by resolution filed with City Clerk January 16, 1942 and published in The City Record January 19, 1942.*)

Regulation 1. Separating and sorting at place of embargo. Whenever food is embargoed by an inspector or duly authorized representative of the Department of Health and the owner or person in charge thereof has been authorized to separate or sort the wholesome from the unwholesome food, such separating and sorting shall be conducted at the place where the food was embargoed, except when otherwise authorized in writing by said Department.

Regulation 2. Food not to be removed until inspected and embargo lifted. No person shall remove or deliver, or cause to be removed or delivered any embargoed food held for separation or sorting, until such food has been inspected and he shall have first received notice from the Department of Health of the lifting of the embargo.

Regulation 3. Notification of completion of separation or sorting. When embargoed food, held in accordance with these regulations, has been separated or sorted, it shall be the duty of the owner or person in charge thereof to notify promptly the Department of Health and request an inspection for the lifting of the embargo.

Regulation 4. Unwholesome food to be placed in suitable containers for destruction and removal. The unwholesome food shall be placed promptly in suitable and properly covered barrels, boxes, or other containers for destruction and removal from the premises.

Regulation 5. Unwholesome food not to become dangerous to health. If embargoed food, which is to be separated or sorted, becomes putrid or otherwise dangerous to life or health, the owner or person in charge thereof shall notify immediately the Department of Health so that such embargo may be lifted and the food destroyed and removed from the premises.

§138. Possession of food or drugs, prima facie, deemed to be held for sale.

Food in the possession of, or held, kept, or offered for sale by, a dealer in food shall, prima facie, be deemed to be held, kept, or offered for sale as human food; and drugs in the possession of, or held, kept, or offered for sale by, a dealer in drugs shall, prima facie, be deemed to be held, kept, or offered for sale for internal or external human use. (*Amended December 28, 1916.*)

§139. Food; sale of adulterated or misbranded prohibited; the terms "food," adulterated," and "misbranded" defined.

No person shall have, sell, or offer for sale in The City of New York any food which is adulterated or misbranded. The term food as herein used shall include every article of food and every beverage used by man and all confectionery.

Food as herein defined shall be deemed adulterated:

- (1) If any substance or substances has or have been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.
- (2) If any inferior or cheaper substance has been substituted wholly or in part for the article.
- (3) If any valuable constituent of the article has been wholly or in part abstracted.
- (4) If it consists wholly or in part of diseased or decomposed or putrid or rotten animal or vegetable substance, or any portion of any animal unfit for food, or if it is a product of a diseased animal, or one that has died otherwise than by slaughter.
- (5) If it is colored or coated or polished or powdered, whereby damage is concealed or it is made to appear better than it really is.
- (6) If it contains any added poisonous ingredient, or any ingredient which may render it injurious to health; or if it contains any antiseptic or preservative not evident and not known to the purchaser or consumer.
- (7) If, in the case of confectionery, it contains terra alba, barytes, talc, chrome yellow, or other mineral substance or poisonous color, or flavor, or other ingredient deleterious or detrimental to health; or any vinous, malt, or spirituous liquor or compound, or narcotic drug.
- (8) If, in the case of spirituous, fermented, and malt liquors, it contains any substance or ingredient which is not normally present in such liquors, or which may be deleterious or detrimental to health when such liquors are used as beverages.

Food shall be deemed misbranded:

- (a) If it is an imitation or offered for sale under the distinctive name of another article.
- (b) If it is labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so; or if the contents of the package as originally put up, shall have been removed in whole or in part and other contents shall have been placed in such package; or if it fails to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chlorae hydrate, or acetanilid, or any derivative or preparation of any such substances, contained therein.
- (c) If in package form and the contents are stated in terms of weight or measure, such weight or measure is not plainly and correctly stated on the outside of the package.
- (d) If the package or its label shall bear any statement, design, or device, regarding the ingredients or the substances contained therein, which statement, design, or device shall be false or misleading in any particular.

Provided, that an article of food which does not contain any added poisonous or deleterious ingredient shall not be deemed to be adulterated or misbranded in the following cases:

First. In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced.

Second. In the case of articles labeled, branded, or tagged, so as to plainly indicate that they are compounds, imitations, or blends, the word "compound," "imitation," or "blend," as the case may be, being plainly stated on the package in which it is offered for sale; provided, that the term "blend," as herein used, shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only.

And provided further, that nothing in this section shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredient, to disclose their trade formulas, except in so far as the provisions of this section may require to secure freedom from adulteration or misbranding.

(S. C., §68.)

§139a. Sausage or sausage meat; sale of adulterated or misbranded prohibited; the terms "sausage" or "sausage meat," "adulterated" or "misbranded" defined.

No sausage or sausage meat that is adulterated or misbranded shall be brought into, or held, kept, offered for sale or sold in The City of New York. The term "sausage" or "sausage meat" as used herein shall include every product made or prepared from the finely cut, chopped or ground edible portions of cattle or swine, or both, whether in the raw, fresh, salted, pickled, cooked or smoked state, with or without the addition of salt, spices, condiments, animal fats, blood and sugar.

Sausage or sausage meat shall be deemed to be adulterated:

- (1) If it contain any cereal.
- (2) If it contain any added coloring matter.
- (3) If it contain an excess amount of water.
- (4) If any diseased or decomposed or putrid or rotten animal or vegetable substance or any lungs or cows' udders enter into its composition or be found therein.
- (5) If it contain any antiseptic or preservative other than salt, sugar, wood smoke, cider vinegar, wine vinegar, malt vinegar, sugar vinegar, glucose vinegar, pure spices, saltpeter, or nitrate of soda.

Sausage or sausage meat shall be deemed to be misbranded if it be labeled or branded so as to deceive or mislead the purchaser.

(Adopted February 8, 1923.)

§139b. Non-alcoholic carbonated drink or beverage; sale of adulterated or misbranded, prohibited; the term "non-alcoholic," "adulterated," and "misbranded" defined. (*Repealed by resolution filed with City Clerk July 16, 1942 and published in The City Record July 17, 1942.*)

§139b. Regulations governing the manufacture and sale of non-alcoholic drinks in The City of New York. (*Repealed by resolution filed with City Clerk July 16, 1942 and published in The City Record July 17, 1942.*)

§139d. Almond paste; kernel paste; sale of adulterated or misbranded prohibited; the terms "almond paste," "kernel paste," "adulterated" or "misbranded" defined.

No almond paste or kernel paste which is adulterated or misbranded shall be held, kept, offered for sale or sold as food in The City of New York, nor shall any such almond paste or kernel paste be kept or stored anywhere in the said city.

The term "almond paste" as used herein shall be deemed to mean and include only the plastic product consisting of blanched and ground almonds, cooked to a proper consistency with the addition of sugar (sucrose) and which shall contain not more than forty (40%) per cent of total sugars.

The term "kernel paste" as used herein shall be deemed to mean and include only the plastic product consisting of the blanched and ground kernels of apricots, peaches or plums (prunes) freed from hydrocyanic acid and cooked to a proper consistency with the addition of sugar (sucrose) and which shall contain not more than forty (40%) per cent of total sugars.

Almond paste or kernel paste shall be deemed to be adulterated:

1. If more than forty (40%) per cent of total sugars be contained therein.

2. If any added antiseptic or preservative be found therein.

3. If any diseased or decomposed or putrid or rotten animal or vegetable matter or substance or any portion of any animal or vegetable unfit for human food enter into its composition or be found therein.

4. If any substance has been added, mixed or packed with it so as to reduce or lower or injuriously affect its quality or strength.

Almond paste or kernel paste shall be deemed to be misbranded if it be labeled or branded so as to deceive or mislead the purchaser or consumer regarding the ingredients or the substances contained therein, which statement, design or device shall be false or misleading in any particular.

(Adopted July 30, 1925.)

§140. Food and drink; not to be sold under a false name or quality.

No meat, fish, fruit, vegetables, eggs, milk, or other food or drink shall be sold, held, or offered for sale, under a false name of quality, nor shall any food or drink which is not wholesome, sound, and safe for human consumption, be represented as being wholesome, sound, or safe for human consumption. (S. C., §48.)

§140a. Adulterated meats; distribution prohibited; terms "adulterated," "water added," defined; pumping devices on vehicles prohibited.

No person shall bring into The City of New York, or have, keep, sell or offer for sale in said city, any cured, smoked, or otherwise processed beef (voluntary muscle tissue of the adult bovine animal), tongue, ham or "Cali" ham (shoulder of pork), which is adulterated.

Such cured, smoked or otherwise processed meat shall be deemed adulterated:

(1) If it contains any gelatin or fat injected or pumped into the meat.

(2) If it contains added water greater than ten percentum (10%) of the weight of the meat.

"Added water" defined. Added water as herein used shall be taken to mean and include the water content of meat in excess of four times the weight of protein found in the meat.

No person shall have upon any vehicle transporting meat any hypodermic syringe, pump or other device that can be used for the injection or pumping of any fluid or other substance into the meat.

(Adopted January 12, 1937.)

§141. Poisonous, deleterious, and unwholesome substances; use as food prohibited.

No person, being the owner, lessee, manager, or in charge of any place in which food or drink is produced, manufactured, prepared, packed, stored, distributed, offered for sale, or sold shall, therein or thereat, offer or have, for food or drink, or to be eaten or drunk, any poisonous, deleterious, or unwholesome substance, or allow anything to be done or to occur, therein or thereat, dangerous to life or prejudicial to health. (S. C., §47.)

§141a. Bleached flour to be conspicuously marked or labeled.

No flour, to which oxides of nitrogen, or nitrous acid, or nitrates, or chlorine, or any other chemical bleaching agent has been added, shall be brought into The City of New York or held, kept, offered for sale or sold in said city, unless the package or container shall be legibly and conspicuously marked or labeled with the word "Bleached."

No bleached flour although properly labeled shall be brought into The City of New York, offered for sale or sold in the said city, unless the miller, jobber or packer of such flour has filed with the Department of Health an affidavit stating the name of the bleaching agent used in the bleaching of such flour.

(Adopted June 9, 1922 and amended May 2, 1933.)

§141b. *(Repealed May 2, 1933.)*

§142. Food; to be protected from dust, dirt, flies, or other contamination.

No food intended for human consumption shall be kept, sold, offered for sale, displayed, or transported, unless protected from dust, dirt, flies, and other contamination; nor shall any food intended for human consumption be deposited or allowed to remain within a distance 2 feet above the surface of any sidewalk, street, alley, or other public place, or the floor of any building where exhibited, unless the same shall be contained in boxes or other receptacles, so as to be protected from dogs and other animals and their excretions.

No candy, or bread, pastry, or other bakery product, intended for human consumption, shall be kept, sold, offered for sale, or displayed in any open window or doorway of a building, or upon any stand, or pushcart, wagon, or other vehicle in any street or other public place, unless such candy or bread, pastry, or other bakery product is separately wrapped in paper or contained in a cardboard box or other dust and flyproof wrapper or container.

The provisions of this section shall take effect August 16, 1919.
(*S. C.*, §46; amended July 24, 1919, generally.)

§143. Eating and drinking utensils; use in common prohibited; the term "public place" and "factory" defined.

The use of common eating or drinking utensils in any public place, park, street or avenue, public institution, lodging-house, hotel, theatre, factory, school, public hall, railroad car, ferry boat, railway station, or ferry house, or the furnishing of any such common eating or drinking utensils for use in any such place is hereby prohibited.

The term "public place" as used herein shall be construed to include:

- (a) Any place where goods, wares, or merchandise are sold or offered for sale;
- (b) Any department, bureau, building, or office, of a municipal corporation.

The term "factory" as used herein shall be construed to include any workshop or manufacturing or business establishment where persons are employed at labor.

(*S. C.*, §189.)

§144. Cooking, eating and drinking utensils to be properly cleansed after being used; the term "properly cleansed" defined; protection of cooking utensils, etc., from dirt, dust, flies, etc.; exception.

All utensils used in the preparation, service and sale of any food or drink intended for human consumption, and all knives, forks, spoons, plates, dishes, cups, saucers and glasses used in the preparation, service and sale of any food or drink intended for human consumption shall be properly cleansed after being used, and no such utensil, or knife, fork, spoon, plate, dish, cup, saucer or glass shall under any circumstances be used a second time unless it shall have been, after the previous use thereof, so cleansed. In such cleansing the use of water which has become insanitary by previous use thereof is prohibited.

The term "properly cleansed" as herein used shall be taken to mean the cleansing after each use of all utensils, including knives, forks, spoons, plates, dishes, cups, saucers or glasses used in the preparation, service or sale of any food or drink intended for human consumption, in a solution of soap or soda or suitable cleansing powder in hot water followed by a thorough rinsing or spraying or immersion in clean boiling water (212° F.) for a period of one minute, or in hot water of a temperature not less than one hundred and eighty (180° F.) degrees Fahrenheit at all times when used for purposes of sterilization, for a period of two minutes; by sterilization with live steam; or by some other equally effective method approved by the Department of Health.

All crockery, cutlery, glassware and cooking, eating and drinking utensils which have been properly cleansed and sterilized must be so stored, kept and handled as to prevent contamination from dust, dirt, flies or other sources.

No beverages or drinks intended for human consumption shall be sold, offered for sale or dispensed upon any stand or pushcart, wagon or other vehicle, in any street or other public place, unless such beverage or drink is dispensed or served in a paper cup or other single service container.

(*S. C.*, §49-b; amended May 31, 1916, August 1, 1921, and March 13, 1928.)

§144a. Wrapping of drinking straws; multiple use of single service paper containers regulated.

No person, firm or corporation conducting a place of business in The City of New York where persons are served with a beverage of any kind for consumption upon the said premises shall serve or allow or permit to be served to any person drinking straws which are not completely enclosed in a wrapper. No single service paper containers, paper cups, paper spoons, paper forks or paper plates shall be used a second time. All such single service drinking straws and paper containers shall be destroyed immediately after use.

(Adopted September 24, 1946; effective January 1, 1947; effective date extended to March 1, 1947.)

§145. Prohibited metals in taps, faucets, tanks, fountains, vessels, etc., when used for drinks, beverages and food.

No person shall keep or use in the manufacture, sale or keeping for sale, of any drink, beverage or food, nor shall any person offer for sale, sell or manufacture, for use in the preparation, storage or dispensing of a drink, beverage or food, any tap, faucet, tank, fountain, refrigerator, utensil, vessel, apparatus, or any pipe, or conduit or parts in connection therewith, which is composed or made either wholly or in part of lead, cadmium, or other metal or metallic substances that are or will be affected by the drink, beverage or food so that dangerous, unwholesome, or deleterious compounds are formed thereon or thereby or such that the drink, beverage or food made or stored therein or drawn therefrom shall be unwholesome, dangerous or detrimental to health.

(§145, as amended, filed with City Clerk June 15, 1939 and published in *The City Record* June 17, 1939.)

§146. Employment of persons affected with a communicable disease prohibited; medical certificate required where milk is produced, pasteurized, etc.

No person who is affected with any disease in a communicable form or is a carrier of such disease shall work in any place where food or drink is prepared, cooked, mixed, baked, exposed, bottled, packed, handled, stored, manufactured, offered for sale, or sold, and no food dealer shall employ any such person or any person suspected of being affected with any disease in a communicable form or of being a carrier of such disease.

No person producing milk in The City of New York for the purpose of sale and no wholesale dealer in milk or cream or operator of a creamery or of a milk or cream receiving station, pasteurizing or bottling plant or manufacturer of frozen desserts at wholesale in The City of New York or whose products are shipped into said city shall employ any person and no person shall work in such place, unless he has filed with his employer a medical certificate signed by a duly licensed physician stating the date of examination and that such person is free from any disease in a communicable form. Such medical certificate shall be good for one year from the date of such examination.

(Amended December 21, 1915, April 25, 1916, March 1, 1923, January 24, 1933 and September 18, 1934.)

§147. Room, factory, stall, place, and appurtenances to be kept in a cleanly and wholesome condition; food, drugs and drink to be clean and wholesome, and not poisoned, infected, or rendered unsafe; personal responsibility of owner, lessee, occupant, or person in charge.

Every person being the owner, lessee, occupant, or in charge of any room, stall, factory, premises, or place, where any food or drink intended for human consumption, or drugs intended for internal or external human use, shall be manufactured, prepared, stored, kept, held, or offered for sale, shall put and keep such room, stall, factory, premises, or place, and its appurtenances, in a cleanly and wholesome condition, and every person having charge, or interested or engaged, whether as principal or agent, in the care or in respect to the custody or sale, of any food or drink intended for human consumption, or drugs intended for internal or external human use, shall put and preserve the same in a cleanly and wholesome condition, and shall not allow the same, or any part thereof, to become poisoned, infected, or rendered unsafe or unwholesome for human food or drink or for internal or external human use. (*S. C.*, §49; amended December 28, 1916.)

§148. Manufacture and storage of food regulated.

No building, room, or place, where food is prepared, cooked, mixed, baked, smoked, preserved, exposed, bottled, packed, handled, stored, or manufactured, shall be conducted, operated, maintained, or used otherwise than in accordance with the regulations of the Board of Health. (§148 amended by resolution filed with City Clerk June 15, 1942 and published in *The City Record* June 17, 1942.)

REGULATIONS

§148: Regulations governing the conduct, maintenance and operation of any building, room or place where food is prepared, cooked, mixed, baked, smoked, preserved, exposed, bottled, packed, handled, stored, manufactured, offered for sale or sold.

(Amended by resolution filed with City Clerk September 11, 1942 and published in *The City Record* September 14, 1942; effective October 1, 1942.)

Part 1. General regulations for the conduct, maintenance and operation of food establishments.

Part 2. Additional regulations for bakeries.

Part 3. Additional regulations for establishments manufacturing, treating, printing, packing or whipping butter.

Part 4. Additional regulations for edible egg breaking establishments.

Part 5. Additional regulations for establishments engaged in preparing, preserving or smoking fish.

Part 6. Additional regulations for establishments engaged in manufacturing sausages and the smoking, preparing or preserving of meat.

Part 7. Additional regulations for establishments engaged in eviscerating poultry.

Part 8. Additional regulations for establishments engaged in the manufacture of carbonated and other beverages.

PART 1—GENERAL REGULATIONS FOR THE CONDUCT, MAINTENANCE AND OPERATION OF FOOD ESTABLISHMENTS.

Regulation 1. Food not to be processed or stored in insanitary places.

Food shall not be prepared, cooked, mixed, baked, smoked, preserved, exposed, bottled, packed, handled, stored, manufactured, offered for sale or sold in any building, room or place, which is dark, damp, poorly lighted, inadequately ventilated, insanitary, or exposed to objectionable odors or gases, or in any room used for sleeping purposes or used for or in connection with the harboring of any animals. No animals shall be kept in any food establishment.

Regulation 2. Construction of walls and ceilings. Walls and ceilings shall be of a smooth, hard material and shall be kept clean, sanitary and in good repair. Unless constructed of non-rusting metal, the walls and ceilings shall be kept well painted with a light colored, water-proof paint. Where it is deemed necessary by the Department of Health, because of condensation of steam or vapors, the walls and ceilings shall be constructed of smooth cement, glazed tile, glazed brick, or other non-absorbent material.

Regulation 3. Construction of floors. Floors shall be of smooth hard material and water-tight and must be kept clean, sanitary, and in good repair. Where it is deemed necessary by the Department of Health, because the type of operations result in wet floors or require frequent flushing of floors, the floors shall be constructed of smooth cement, or tile laid in cement, or other hard non-absorbent water-tight material graded and drained to properly trapped and sewer-connected drains. In such cases, the juncture formed by the wall and floor shall be coved and the waterproof material extended to a point at least six inches above the floor.

Regulation 4. Water closets, washing facilities, lockers and dressing rooms to be provided.

(a) A sufficient number of water closets, conveniently located and adequately ventilated and lighted, shall be provided on the premises for all employees. The doors of the water closet compartments shall be self-closing. Where it is deemed necessary by the Department of Health, a suitable and properly lighted and adequately ventilated vestibule shall be provided. The door of the vestibule shall be self-closing. All water closet fixtures, water closet compartments and vestibules shall be kept clean, sanitary and in good repair.

(b) A sufficient number of suitable sinks for the washing of hands, conveniently located in or adjacent to the water closet compartment, shall be provided. Such sinks shall have an adequate supply of hot and cold running water available at all times during business hours. Soap and clean individual towels shall be provided. The use of a common towel and common drinking cup is prohibited. Sufficient notices shall be conspicuously posted, above or near wash sinks, directing all persons to wash and clean their hands immediately after each visit to the toilet.

(c) Suitable and sufficient lockers of metallic construction shall be provided for street clothes of employees. Such lockers shall not be located in any room or place where food ingredients or food is prepared, manufactured, packed or stored. Where it is deemed necessary by the Department of Health, a suitable and properly lighted and ventilated dressing room shall be provided.

Regulation 5. Utility sinks and water supply. There shall be provided suitable utility sinks with an adequate supply of hot and cold running water available at all times during business hours for the washing of utensils, equipment and other appurtenances. Where it is deemed necessary by the Department of Health, hose connections shall be installed and sufficient hose provided.

Regulation 6. Plumbing fixtures, unsafe plumbing installations prohibited.

(a) Plumbing and fixtures in the premises shall be properly connected, vented and drained, and so installed as to prevent possible contamination of the city water supply or other potable water supply. Every water supply outlet or connection to a water supply fixture or appliance shall be protected from back-flow into the water system. The outlet end from which the potable water flows shall be spaced above the flood level rim of the receiving receptacle a distance sufficient to provide a safe minimum air gap. Provided, however, where the operation of a device, fixture or apparatus inherently requires that the water outlet end be at times submerged such device, fixture or apparatus may

be used if provided with an approved back-flow preventor (also known as a vacuum breaker) and a check valve, which check valve shall be inserted between the back-flow preventor and the fixture.

(b) The outlet end or nozzle of a hose connected to the potable water supply shall not be submerged in receptacles containing liquids unless the hose connection is provided with an approved back-flow preventor and a check valve inserted between the back-flow preventor and the hose connection. No outlet end or nozzle of the hose shall at any time be permitted to lie on the floor.

(c) All plumbing and fixtures shall be maintained in good repair and working order.

Regulation 7. Lighting and ventilation. All rooms shall be properly and adequately lighted by natural or artificial light so that all parts thereof may be readily seen and inspected. Such rooms shall be adequately ventilated to the outer air by natural or mechanical means or both, to fully protect the health of employees and other persons on the premises. Electric light bulbs and other glass parts of lighting fixtures, when directly above food manufacturing equipment or open containers of food, shall be provided with suitable guards to afford protection against breakage.

Regulation 8. Ventilating hoods. Vats or equipment used for the purpose of boiling oils or fats, and stoves, ovens including ash pits, fryers, roasters, pressure cookers and other similar cooking apparatus, shall be provided with ventilating hoods and ducts, blowing devices, fans or with other mechanical means, to carry off to the outer air, any steam, gases, odors, vapors, dust and excessive heat, that may be generated in the process of preparing, baking, cooking or manufacturing of food, so as to render same harmless to persons on the premises and to persons in adjoining premises.

Regulation 9. Premises to be kept clean and sanitary. The floors, walls, ceilings, ledges, windows, tables, shelves, closets, fixtures and the cellars, stairways and passageways, and the yards, areaways, driveways and alleys contiguous to the premises, shall be kept clean, sanitary, and free from rubbish, refuse, dust, dirt, useless or offensive material, flies and other insects, rodents and vermin.

Regulation 10. Elimination of flies. Openings into the outer air shall be effectively screened and doors shall be self-closing, unless other effective means are provided to eliminate flies or prevent their access.

Regulation 11. Rodent proofing. The premises, fixtures and equipment shall be kept free from rodents through the employment of construction designs and materials that are inherently rodent proof.

Regulation 12. Refrigerators, ice boxes and drainage thereof. Refrigerators, ice boxes and appurtenances thereof shall be kept clean, sanitary and in good repair, and the compartment used for the storage of ice shall be metal lined and water-tight. No drain pipe from a refrigerator or ice box shall be connected with the soil or waste pipe, but shall discharge into a properly trapped, sewer-connected clean open sink, or by another method of drainage which has been approved by the Department of Health. Provided, however, that the drain pipe from an ice box or other refrigerated container using ice, which has a storage capacity not greater than five cubic feet, may discharge into a pail or other water-tight receptacle. Adequate protection of refrigerator pipes or suspended pipes shall be provided to prevent condensation or dropping of any liquid on foodstuffs or equipment. Where it is deemed necessary by the Department of Health because the materials stored therein may result in wet floors or require frequent flushing of floors, refrigerator floors shall be constructed of smooth cement, graded and drained to properly trapped and sewer-connected floor drains.

Regulation 13. Refrigeration of perishable foods. Perishable foods shall be stored in refrigerators of adequate size and kept refrigerated at proper temperature to prevent spoilage.

Regulation 14. Protection of food. Food, or materials used in the preparation of food, shall not be subjected to insanitary human handling and shall be kept covered so as to be adequately protected from dust, dirt, flies, insects, rodents, vermin, foreign material or other contamination. No food intended for human consumption shall be deposited or allowed to remain within two feet of the surface of any sidewalk, street, alley, or other public place, or the floor of any building where exhibited, unless the same shall be contained in boxes or other receptacles, so as to be protected from dogs and other animals and their excretions.

Regulation 15. Methods for preparing, preserving and sterilizing of food. The preparing, preserving and sterilizing of food shall be conducted in accordance with methods for the protection of public health satisfactory to the Department of Health. The Department of Health shall publish such methods and, from time to time, any new methods that may be satisfactory.

Regulation 16. Protection of food wrappers and containers. Food packing material, including wrappers, stoppers, caps, enclosures or containers, shall be so stored as to be protected from dust, dirt, flies, rodents, insanitary human handling, foreign or unclean material.

Regulation 17. Raw materials. Food, and raw materials used in the preparation, manufacture, service and sale of food, shall be fresh, sound, wholesome and safe for human consumption.

Regulation 18. Presence of food deemed prima facie evidence of its use. The presence of food or raw material in any part of the establishment shall be deemed prima facie evidence of its use for human food.

Regulation 19. Presence of prohibited coloring matter of preservatives deemed prima facie evidence of its use. The presence in any part of a food establishment of any prohibited coloring matter or preservative shall be deemed prima facie evidence of its use for human food.

Regulation 20. Garbage receptacles. Suitable water-tight garbage and other waste material receptacles made of metal and with tight-fitting covers shall be provided. Every receptacle shall be kept covered except when being filled or emptied. All garbage and other waste material shall be removed from the premises daily and shall not be allowed to become a nuisance. Immediately upon emptying, such receptacles shall be properly cleaned.

Regulation 21. Habits and cleanliness of employees. All persons who work in food establishments shall be clean in their habits and shall thoroughly wash their hands before beginning work, and immediately after each visit to the toilet, and shall keep them clean during their work.

Regulation 22. Health of employees. No person who is affected with any disease in a communicable form or is a carrier of such disease shall work or be permitted to work in a food establishment.

Regulation 23. Clothing of employees. All persons who work in a food establishment shall wear clean, washable outer garments at all times when engaged in such work, and female food handlers shall wear caps or nets.

Regulation 24. Smoking, use of tobacco or spitting prohibited. Smoking, use of tobacco in any form, or spitting, is prohibited in any room used for food preparation.

Regulation 25. Inspection of records. The owners, operators and person in charge of all food establishments shall upon request of a duly authorized representative of the Department of Health permit such representatives to have access to, and to copy any or all records showing the quantity of foods or food ingredients purchased, used, on hand or sold, together with the information from whom purchased and to whom sold.

Regulation 26. Trucks and other vehicles. Trucks and other vehicles used for the transportation of food shall be kept clean and sanitary at all times and, where it is deemed necessary by the Department of Health for the protection of perishable foods, shall be provided with refrigeration.

Regulation 27. Disposition of foodstuffs unfit for human consumption. Food which has become unfit for human consumption, shall be kept separate and apart from other foodstuffs which are held, kept, and offered for sale, properly denatured, marked "Condemned" and removed daily.

Regulation 28. Construction of apparatus, utensils, etc.

(a) Apparatus, utensils, devices, machines, piping and appurtenances thereof, and wooden tops of tables and work benches, shall be so constructed as to be readily taken apart, and shall be made of such material as to facilitate cleaning, and so placed that all parts are accessible for cleaning and inspection.

(b) Pickling and soaking vats shall be constructed of smooth cement or other smooth hard substance so that they can be kept clean, inoffensive and sanitary. The floor of the vat shall be pitched so as to permit proper drainage, but no such drain shall be directly connected to any soil or waste pipe. Movable vats which are drained by a bung hole in the bottom shall be elevated at least four inches from the floor.

Regulation 29. Covers for machinery and equipment; protection against contamination. Where it is deemed necessary by the Department

of Health, vats, tanks, hoppers, mixing machines and other equipment shall be provided with suitable covers and kept covered. Machinery, equipment and pipes shall be properly protected so as to prevent oil, dust, dirt, offensive or other foreign material from dropping or entering into, or otherwise contaminating food. Suitable means shall be provided for the protection of food against condensation from suspended pipes and possible leaks from overhead waste or sewer pipes. On and after October 1, 1942, all new installations of machinery, tables, vats, tanks and other apparatus and devices, shall be placed so as not to be directly beneath any waste or sewer pipe.

Regulation 30. Cleaning of equipment, apparatus, utensils, vehicles, etc. Benches, tables, apparatus, devices, utensils, containers, vehicles, machines, piping and other equipment and appurtenances thereof, used in a food establishment shall be kept clean and sanitary. All such equipment shall be properly cleaned after each day's use with hot water and a suitable detergent, and rinsed by flushing with hot water, or by some equally effective method approved by the Department of Health, and shall be stored and kept free from contamination until used again. Where it is deemed necessary by the Department of Health, there shall be a final treatment by live steam under pressure or other sterilizing procedure. The term "each day's use" shall mean eight hours.

Regulation 31. Sealing of unclean equipment. When in the opinion of any inspector or other duly authorized representative of the Department of Health, any equipment, apparatus, devices, utensils, containers, vehicles, machines, piping and appurtenances thereof, are found in an unclean condition, such inspector or other duly authorized representative of the Department of Health, upon the approval of the Director or a Chief of a Division of the Bureau of Food and Drugs, is empowered to seal such unclean equipment or part thereof, and affix thereto labels or conspicuous signs bearing the word "unclean." At the time of sealing the inspector shall prepare and sign a notice of his action upon a form furnished by the Bureau of Food and Drugs, serve a duplicate upon the operator, and file the original in said Bureau. The notice shall order the discontinuance of the use or operation of such unclean equipment or parts thereof until the same shall have been cleaned, inspected, and the labels, signs and seals have been removed by an inspector or other duly authorized representative of the Department of Health.

Regulation 32. Appliances for cleaning and sterilizing bottles, vessels, and other containers. Suitable means or appliances shall be provided for the proper cleaning and sterilization of bottles, vessels and other containers.

Regulation 33. Cleaning and sterilizing of bottles, vessels and other containers. Bottles, vessels or other containers used in food establishments shall be properly cleaned with hot water and soap or other suitable detergent and sterilized before being used. No such bottles, vessels or other containers shall, under any circumstances, be used a second time unless they are suitable for such re-use, and shall have been so cleaned and sterilized shortly before re-use. Sterilization shall consist of one of the following methods:

1. Exposure of all surfaces of the open empty bottle, vessel or other container to live steam under pressure of at least five pounds to a square inch in an enclosed steam sterilizer for at least five minutes.

2. Exposure by submersion of all surfaces of the open empty bottle, vessel or other container to clean boiling water (212° F.) for a period of not less than one minute, or to water of a temperature of not less than 170° F. for a period of not less than two minutes.

3. Exposure by submersion of all surfaces of the open empty bottle, vessel or other container to a solution of caustic alkali of not less than 2% concentration of sodium hydroxide for a period of not less than seven minutes, during which time such solution shall be maintained at a temperature of not less than 150° F. The bottle, vessel or container shall be either thoroughly brushed or properly sprayed with water during the process of cleaning and sterilizing and shall finally be rinsed with clean water.

4. Exposure by submersion of all surfaces of the open empty bottle, vessel or other container to a solution of caustic alkali of not less than 3% concentration of sodium hydroxide for a period of not less than five minutes, during which time such solution shall be maintained at a temperature of not less than 135° F. The bottle, vessel or container shall be thoroughly brushed or properly sprayed with water during the process of cleaning and sterilizing and shall finally be rinsed with clean water.

Regulation 34. Use of rusted or badly worn utensils prohibited. The

using or keeping of any utensil which is badly worn, rusted, corroded, or in such condition that it cannot be readily rendered clean and sanitary by washing is prohibited in a food establishment.

Regulation 35. Use of lead or other metallic faucets, tanks, etc., that may affect food. No person shall keep or use in a food establishment any tap, faucet, tank, fountain, refrigerator, utensil, vessel, apparatus, or any pipe, conduit or part in connection therewith, which is composed or made either wholly or in part of lead, cadmium, or other metal or metallic substances that are or will be affected by food so that dangerous, unwholesome or deleterious compounds are formed therein or thereby, or such that the food made or stored therein or drawn therefrom shall be unwholesome, dangerous or detrimental to health.

Regulation 36. Self-inspection by operator. The operator of every wholesale processing food establishment shall engage the services of or have in his employ a qualified person who shall be able to make sanitary and food inspections. Such qualified person shall make inspections of the establishment at not less than monthly intervals. His findings on these inspections shall be recorded upon a form approved by the Department of Health and shall be kept on file at the premises for a period of twelve months. Such inspection reports shall be open to inspection by representatives of the Department of Health at all times.

Regulation 37. Labeling of broken out eggs. No broken out eggs shall be brought into The City of New York, or received in any food establishment in said city, unless the container is plainly labeled or marked with indelible ink to indicate the date when, and the place where, the eggs were broken, together with the name of the operator of the egg breaking establishment or the name and address of the person for whom such eggs were broken out.

Regulation 38. Inedible eggs, not to be used for food and to be denatured.

(a) No person shall break out for food purposes eggs which are inedible. The term "inedible" as used in this regulation shall be taken to mean all eggs that are partially hatched, broken yolked, blood ringed or veined, and all unsound eggs, including those affected by molds or which are partly decomposed or that have become sour, or that are commonly known as "spots" or "spot eggs."

(b) During the process of candling eggs for food purposes, all eggs found to be inedible shall be placed immediately into an inedible egg receptacle and denatured with a distinguishing substance, satisfactory to the Department of Health, the presence of which on the eggs will prevent their use for human food.

(c) Suitable receptacles for inedible eggs shall be provided. Such receptacles shall at all times contain a sufficient quantity of a denaturant satisfactory to the Department of Health, and shall be stenciled with two-inch block letters "Inedible eggs denatured with (here insert the name of the denaturant)."

(Regulation 38 added by resolution filed with City Clerk February 10, 1944 and published in The City Record February 11, 1944.)

PART 2—ADDITIONAL REGULATIONS FOR BAKERIES.

Regulation 41. Sifting of ashes prohibited. Ashes shall not be dumped on the bakery floor but shall be placed immediately into metal receptacles. The sifting of ashes in a bakery is prohibited.

Regulation 42. Storage of fuel. Fuel shall be stored in suitable enclosed tanks, bins or barrels. No fuel shall be stored in a mixing room, nor shall any fuel be stored in any baking room in excess of one days supply.

Regulation 43. Use of bread for "sour" prohibited. The use of bread for the making of bread starter commonly known as "sour" is prohibited. "Sour" shall be made from good wholesome flour in a suitable container of sanitary construction which shall be properly cleaned before use. The container shall be provided with a cover of sanitary construction.

Regulation 44. Manufacture of bread crumbs, cracker dust or other fine crumbs. No bread crumbs, cracker dust or other fine crumbs shall be made from unclean or unwholesome bread, cakes, crackers or other baked goods, or from bread, cakes, crackers or other baked goods which have been stored under insanitary conditions, or which have been returned from retail stores or restaurants and are not in the same intact individual wrappers as originally packed.

PART 3—ADDITIONAL REGULATIONS FOR ESTABLISHMENTS MANUFACTURING, TREATING, PRINTING, PACKING OR WHIPPING BUTTER.

Regulation 51. Use of cellar prohibited. Butter shall not be manufactured, printed, packed or whipped in any cellar.

Regulation 52. Size of butter room. The room in which butter is manufactured, treated, printed, packed or whipped shall not be less than six feet in width nor less than 150 square feet in floor area.

Regulation 53. Butter drippings to be immediately denatured. Butter drippings or other waste resulting from the manufacture, treatment, printing, packing or whipping of butter, shall be immediately denatured with a denaturant satisfactory to the Department of Health, so as to prevent the use thereof for food.

Regulation 54. Sterilization of equipment. Suitable means shall be provided to furnish an adequate supply of steam at fifteen pounds pressure for not less than five minutes for sterilization of equipment and containers.

PART 4—ADDITIONAL REGULATIONS FOR EDIBLE EGG BREAKING ESTABLISHMENTS.

Regulation 60. Use of cellar prohibited. No egg breaking establishment shall be located in any cellar.

Regulation 61. Size of breaking room. Effective October 1, 1942, in new egg breaking establishments, the breaking room shall be at least 300 square feet in floor area and neither the length nor width shall be less than fifteen feet. There shall not be more than two breaking tables, accommodating eight breakers, in such breaking room, and for each additional breaking table, accommodating four breakers, an additional 108 square feet of floor area shall be required.

Regulation 62. Hand wash sinks in breaking room. A suitable number of hand wash sinks with hot and cold running water together with soap and individual towels shall be provided in the egg breaking room. Egg breakers shall wash their hands immediately after each contact with an unwholesome or unclean egg.

Regulation 63. Separate can wash room. A separate room shall be provided in which cans, utensils and equipment shall be washed and sterilized before being used in the process of breaking out eggs or the packing of broken out eggs. The room shall contain suitable washing troughs and sinks, and a sufficient number of can drying racks. These racks shall be of metal and so constructed as to be readily cleaned.

Regulation 64. Live steam. Suitable means shall be provided to furnish an adequate supply of live steam at fifteen pounds pressure for sterilizing equipment and utensils. Hose connections and steam hose shall be provided.

Regulation 65. Construction of benches and tables. Benches and tables used in the breaking out of eggs shall be of smooth metal and so constructed that they can be kept clean and sanitary.

Regulation 66. Tables for sterile utensils. Either a portable metal table or a metal shelf or other suitable device with two compartments shall be provided in the egg breaking room for the holding of clean and sterilized egg cups, trays and knives in one compartment, and the receiving of soiled or contaminated egg cups, trays and knives in the other.

Regulation 67. Construction of cans or other containers. Except in the case of single service containers, cans or other containers used for the packing of eggs broken from the shell for food purposes, shall be so constructed as to be free of open seams and crevices.

Regulation 68. Eggs in shell to be refrigerated. Refrigerating facilities, of adequate capacity, for the cooling of eggs in the shell shall be provided. The temperature of such eggs shall not exceed 45° F. immediately prior to the breaking out process.

Regulation 69. Floors and walls to be clean; utensils and equipment to be cleaned and sterilized. Floors and walls must be thoroughly cleaned and kept clean. Utensils and equipment used in the breaking out of eggs shall be thoroughly cleaned and sterilized immediately before beginning the day's work and at the close of each four-hour period of the day's work. Utensils and equipment, if they have become contaminated with unwholesome eggs, shall be at once cleaned and sterilized and no utensils or equipment so con-

taminated shall under any circumstances be continued in use unless they shall have been properly cleaned and sterilized.

Regulation 70. Cleaning and sterilizing of utensils, equipment, cans or other containers. Utensils, equipment, and cans or other containers and their covers, used in the breaking out of eggs or for the packing of eggs broken from the shell, shall be properly cleaned with hot water and soap or other suitable detergent, rinsed with warm clean water, and finally sterilized with live steam of fifteen pounds pressure for one minute. In the case of cans or other containers and their covers, immersion in boiling water (212° F.) for one minute, or in water of 170° F. for two minutes, shall be acceptable in lieu of steam sterilization. Utensils, equipment, cans or other containers and their covers, thus treated shall be immediately covered for protection against contamination until ready for use.

Regulation 71. Cans not to be placed on floor. Cleaned and sterilized cans, and cans containing eggs broken from the shell intended for food purposes, shall not be placed on the floor but shall be placed on a clean metal platform or rack. Such platforms or racks shall be at least six inches from the floor and shall be so constructed as to be readily cleaned.

Regulation 72. Condition of eggs in shell in breaking room. All eggs in the breaking room shall be good, sound, edible eggs, and at a temperature not to exceed 45° F. Such eggs, prior to being brought into the breaking room, shall be removed from cases and fillers and packed in clean cans or other metallic containers.

Regulation 73. Use of eggs with dirty shells. Eggs, the shells of which are dirty, or on which there is loosely adhering foreign material, shall not be taken into the breaking room or be broken out but shall first be treated or cleaned so as to remove dirt or foreign material.

Regulation 74. Leakers. Eggs, commercially known as "leakers," which are so broken that the shells are cracked and the membranes ruptured, may not be brought into, collected or accumulated in, an edible egg breaking establishment.

Regulation 75. Covering of eggs broken from shell; catching of drippings prohibited for edible purposes. No receptacle containing eggs broken from the shell shall be allowed to remain uncovered, except the receptacle into which the eggs are actually being broken. Eggs broken from the shell shall be deemed adulterated if contaminated by drippings from the side or bottom of other cans or containers. No drippings from the egg breaking table shall be caught or collected, in refuse receptacle used only for inedible eggs.

Regulation 76. Required temperature for broken out eggs. Eggs broken from the shell intended for food purposes shall be deemed adulterated if the temperature of the eggs at any time after breaking is above 45° F.

Regulation 77. Tasting of eggs regulated. No person shall taste eggs broken from the shell by scooping up with the finger or hand, or with a spoon, cup or other utensil which has not been cleaned and sterilized before and after each use. Whenever a stick is used, the same must be new, clean, sterilized single service stick.

Regulation 78. Labeling of containers. Cans or other containers of eggs broken from the shell and intended for food purposes, shall be plainly labeled or marked with indelible ink to indicate the date when, and the place where, the eggs were broken, together with the name of the operator of the egg breaking establishment or the name and address of the person for whom such eggs were broken out. Cans or containers containing such eggs shall be so labeled or marked before being placed in a cooler or freezer.

Regulation 79. Inedible eggs.

(Repealed by resolution filed with City Clerk February 10, 1944 and published in The City Record February 11, 1944.)

Regulation 80. Denaturing of inedible eggs.

(Repealed by resolution filed with City Clerk February 10, 1944 and published in The City Record February 11, 1944.)

Regulation 81. Receptacles for inedible eggs.

(Repealed by resolution filed with City Clerk February 10, 1944 and published in The City Record February 11, 1944.)

PART 5—ADDITIONAL REGULATIONS FOR ESTABLISHMENTS ENGAGED IN PREPARING, PRESERVING OR SMOKING FISH.

Regulation 85. Use of cellar prohibited; exception. The preparing, preserving or smoking of fish in any cellar is prohibited. This regulation, however, shall not apply to the holding of fish in a cellar during the period of pickling, nor to the preparing or preserving of fish in a cellar where such operations have been conducted in such cellars pursuant to a permit from the Board of Health issued prior to October 1, 1942, and has not been discontinued for a period of one year or more.

Regulation 86. Separate cleaning, smoking and packing rooms. Effective October 1, 1942, every new establishment engaged in the preparing, preserving or smoking of fish shall be provided with a separate room for the conduct of each of the following operations:

1. For the thawing of frozen fish, or for gutting, cleaning or brining of fish.

2. For smoking of fish.

3. For labeling, inspecting and packing of the finished, preserved or smoked fish.

Each room shall be ample in size to prevent overcrowding and completely separated from other rooms, and shall be provided with tight fitting doors leading to or from rooms where other operations are carried on.

Regulation 87. Construction of tables and equipment. The tables and other equipment used in gutting, cleaning, preparing or packing of fish shall be made of smooth metal and so constructed that they can be readily kept clean and sanitary.

Regulation 88. Fish not to be placed on floor. Fish shall not be placed directly on the floor, but shall be placed on racks or in suitable containers. All racks upon which fish are laid or hung shall be of a smooth hard material and so constructed that they can be readily kept clean and sanitary. The fish on the rack shall be kept at least six inches from the floor.

Regulation 89. Drip pans. Metal drip pans shall be provided and placed under racks of smoked fish in order to catch the drippings from the fish. These pans shall be kept clean and in good repair.

Regulation 90. Cleaning of fish after gutting. The cleaning of fish after gutting shall be done under a stream or flow of clean water.

Regulation 91. Hanging fish for smoking. All nails, spikes, hooks or other devices used for hanging fish for smoking, shall be properly cleaned and sterilized after each use, and shall be so constructed that they may be readily kept clean and sanitary.

Regulation 92. Brining of fish. In the brining of fish, clean refined salt or filtered brine shall be used, and the brine shall be maintained at a temperature not greater than 50° F.

Regulation 93. Required temperature for certain processed fish. Smoked whitefish, smoked butterfish, smoked carp or fish similarly slightly salted and lightly smoked shall be deemed adulterated if the temperature of the flesh of the fish is greater than 50° F. at any time after two hours following removal from the smoke house.

Regulation 94. Use of coloring matter prohibited. The use of any coloring matter on fish or in the processing thereof is prohibited.

Regulation 95. Use of preservatives restricted. Only salt, sugar, wood smoke, vinegar, pure spices, spice flavorings, sodium nitrate, sodium nitrite, potassium nitrate and potassium nitrite may be used as preservatives. Provided, however, that the quantity of nitrite contained in any processed fish shall not exceed 200 parts per million by weight of the product.

Regulation 96. Labeling. Each smoked whitefish, smoked butterfish, smoked carp or fish similarly slightly salted or lightly smoked, and smoked fillet of salmon, shall be plainly labeled so as to indicate the place where smoked, the name of the operator of the smoking establishment or the name and address of the distributor, and the words "KEEP REFRIGERATED."

Regulation 97. Transportation. The compartments of vehicles used for the transportation of smoked whitefish, smoked butterfish, smoked carp or other fish similarly slightly salted and lightly smoked shall be properly insulated and refrigerated so as to refrigerate said fish and maintain in its flesh a temperature not above 50° F. at any time. All such vehicles shall be marked and inscribed clearly and legibly on both sides with the words "Smoked Fish" and the full name and address of the smoking establishment or the distributor.

PART 6—ADDITIONAL REGULATIONS FOR ESTABLISHMENTS ENGAGED IN MANUFACTURING SAUSAGES AND THE SMOKING, PREPARING OR PRESERVING OF MEAT.

Regulation 101. Use of cellar prohibited; exception. The manufacturing of sausages and the smoking, preparing and preserving of meat in any cellar is prohibited. This regulation, however, shall not apply to the holding of meat in a cellar during the period of pickling, nor to the manufacturing of sausages and the smoking, preparing or preserving of meat in a cellar where such operations have been conducted in such cellar pursuant to a permit from the Board of Health issued prior to October 1, 1942, and has not been discontinued for a period of one year or more.

Regulation 102. Refrigerated rooms without natural light where artificial illumination is constantly required. A refrigerated room without natural light and in which artificial illumination is constantly required shall not be used for the preparation of meats unless a temperature not exceeding 55° F. is regularly maintained therein.

Regulation 103. Construction of tables. The tables used in the preparation of meats shall be made of smooth, hard, impervious material and shall be so constructed as to be readily taken apart and of such type as to be suitable for the specific operation. The tables shall be so placed that all parts are accessible for cleaning and inspection.

Regulation 104. Natural casings, to be soaked and flushed. Where natural casings are used there shall be provided the necessary facilities for soaking and flushing, and the plumbing and fixtures of such facilities shall be so installed as not to contaminate the water supply. All natural casings shall be trimmed, and freed of nodules, and then properly cleaned by soaking and flushing before use and before being brought into the sausage manufacturing room.

Regulation 105. Clean water and ice to be used. All water and ice used on premises shall be clean and uncontaminated.

Regulation 106. Re-use of sausage meat prohibited. The re-use of sausage meat which has been removed from the establishment at any time following completion of manufacture or which is unwholesome, is prohibited.

Regulation 107. Use of coloring matter prohibited. The use of any coloring matter on meat or in the processing thereof is prohibited.

Regulation 108. Use of preservatives restricted. Only salt, sugar, wood smoke, vinegar, pure spices, spice flavorings, sodium nitrate, sodium nitrite, potassium nitrate and potassium nitrite may be used as preservatives. Provided, however, that the quantity of nitrite contained in any processed meat shall not exceed 200 parts per million by weight of the product.

Regulation 109. Re-use of brine restricted. Brine collected during the process of pumping into meat, shall not be re-used unless sterilized by boiling before such re-use.

Regulation 110. Sausage defined; labeling.

(a) The term, "sausage," as used in these regulations shall include every product made or prepared from the finely cut, chopped or ground edible portions of cattle, swine, or both, whether in the raw, fresh, salted, pickled, cooked or smoked state with or without the addition of salt, spices, condiments, animal fats, blood and sugar.

(b) Every sausage shall be labeled either with a tag attached thereto or by an inscription on the casing, stating prominently, legibly and informatively (1) the name and place of business of the manufacturer, packer or distributor; (2) the common name of the sausage; and (3) the word, "ingredients," followed by the list of ingredients in the order of their predominance, except that in those specific types of sausage for which definitions and standards of identity have been prescribed by the Commissioner of the New York State Department of Agriculture and Markets, such declaration of ingredients shall not be required. In the case of sausages of the smaller varieties, such as frankfurters, pork sausages and bockwurst, a tag with the information therein required attached to each pound and a half of the product shall be deemed sufficient compliance with the requirements of this regulation. When sausages of the smaller varieties are packed in amounts less than one pound and a half, the required information shall be stated on each container. Where a Federal inspection number has been assigned to a meat plant under a duly authorized inspection of the United States Department of Agriculture, such number may be given in lieu of the name and place of business of the manufacturer.

(Regulation 110 added by resolution filed with City Clerk June 12, 1944 and published in The City Record June 14, 1944; effective September 1, 1944.)

PART 7—ADDITIONAL REGULATIONS FOR ESTABLISHMENTS ENGAGED IN EVISCERATING POULTRY.

Regulation 115. Use of cellar prohibited. No establishment engaged in eviscerating poultry shall be located in any cellar.

Regulation 116. Eviscerating of poultry; separate room required. Eviscerating of poultry and processes directly associated therewith shall be conducted in one or more separate rooms which shall be used for no other purpose.

Regulation 117. Thawing of frozen poultry. Frozen or chilled poultry shall not be thawed in still water. Suitable shallow troughs or tanks with cold running water and properly installed overflow pipes shall be used for the thawing of poultry.

Regulation 118. Tables. Tables shall be made of smooth, hard, impervious material and shall be so constructed that they can be readily cleaned and inspected, and so placed that all parts are accessible for cleaning and inspection.

Regulation 119. Waste receptacles. At each eviscerating table there shall be provided suitable water-tight metal receptacles, into which the entrails and other waste from the eviscerating operation shall be immediately placed.

Regulation 120. Method of eviscerating of poultry. Each bird shall be eviscerated in an individual metal tray of seamless construction. Said trays shall be properly washed and sterilized after each use. The eviscerated poultry shall then be cleaned under a suitable spray of clean water and the use of tanks for such cleaning is prohibited.

Regulation 121. Hand wash sinks. A suitable number of hand wash sinks with hot and cold running water, soap and individual towels shall be provided in the eviscerating rooms.

PART 8—ADDITIONAL REGULATIONS FOR ESTABLISHMENTS ENGAGED IN THE MANUFACTURE OF CARBONATED AND OTHER BEVERAGES.

Regulation 125. Separate syrup room. In every establishment engaged in the manufacture of carbonated or other beverages a separate syrup room shall be provided for the preparation or manufacture of syrup or the extraction of fruit juices. All openings to such room shall be completely screened to prevent the ingress of flies.

Regulation 126. Washing facilities in syrup room. There shall be at least one sink provided with a drain board and hot and cold running water in every room in which syrup is prepared or manufactured or in which fruit juices are extracted.

Regulation 127. Crown caps; re-use prohibited. The re-use of crown caps is prohibited unless properly sterilized.

Regulation 128. Filters. Filters shall be kept in a clean condition at all times. The back wash of filters shall not be directly sewer-connected.

Regulation 129. Harmless colors. Only harmless vegetable colors, or certified coal-tar colors permitted by the Food and Drug Administration of the Federal Security Agency, shall be used in the manufacture of carbonated or other beverages.

Regulation 130. Non-carbonated orange drinks; use of color prohibited. The use of artificial color, or the addition of pulp or other similar solids, in any non-carbonated orange drink which makes the product simulate orange juice is prohibited.

Regulation 131. Labels.

(a) All closed containers in which carbonated or other beverages are held, kept and offered for sale or sold shall bear a label plainly and legibly indicating the name or designation of the beverage contained therein, the name and place of business of the manufacturer, packer or distributor and such other information as herein required.

(b) When a carbonated or other beverage is manufactured with true fruit flavor and artificial color, the label shall bear the words "Artificial Color." When the carbonated or other beverage is manufactured with imitation or

artificial flavor the label shall bear the word "IMITATION" and immediately thereafter the name of the flavor together with a further declaration to show wherein it is an imitation; and if artificial color was added, the additional words "Artificial Color." In every case where the word "IMITATION" is required on the label, it must be printed in the same size type and given the same prominence as the other words constituting the name of the flavor or group of words of which it is a part.

§148a. Wholesale food establishments and commissaries regulated, permit required, exception.

1. No person shall have, keep, offer for sale or sell food at wholesale, or manufacture food for sale at wholesale or for the trade, or conduct a food commissary, in any room or building in the City of New York, without a wholesale food establishment permit from the Board of Health or otherwise than in accordance with the terms of said permit or the regulations of the said Board.

2. Every wholesale food establishment permit shall indicate the type of food establishment for which it is issued and also whether engaged in manufacture or nonmanufacture.

3. As used in this section, the following terms shall be taken to mean and include:

(a) "At wholesale." The sale of food to any person for the purpose of resale, or other than a retail sale direct to the consumer.

(b) "Manufacture." The heating, mixing, baking, cooking, curing, smoking, pickling, or other treating or processing of food as a result of which there has been a change in the chemical or physical character or condition of the food or the food ingredients, or the printing of butter.

(c) "For the trade." The manufacture of food for other dealers in which no sale is made but manufacturing services are rendered.

(d) "Food commissary." The place of business that is operated by the same person in conjunction with retail stores located at other premises, at which place of business food is kept or stored, or manufactured, for distribution to and for sale at such retail stores.

4. No permit issued under this section shall entitle the holder thereof to operate a bakery, unless a sanitary certificate has been issued for the bakery as required under Section 337 of the Labor Law of the State of New York.

5. The requirement of a permit under this section shall not apply to the conduct of a business for which a permit is specifically required by any other section of the Sanitary Code or to the manufacture or sale of alcoholic beverages.

6. This section shall take effect October 1, 1942, but applications for permits may be filed on and after July 1, 1942. The fees for permits issued prior to and expiring on March 31, 1943, shall be one-half of the annual fees fixed by the provisions of Section 191 of this Code.

(Section amended by resolution filed with City Clerk June 15, 1942 and published in The City Record June 17, 1942; effective October 1, 1942.)

§148c. Dry warehouses regulated; permit required; the term "dry warehouses for the storage of food" defined.

No person shall operate a dry warehouse for the storage of food in the City of New York without a permit therefor, issued by the Board of Health or otherwise than in accordance with the terms of said permit and the regulations of said board. For the purpose of this section, a "dry warehouse for the storage of food" shall be taken to mean and include every place, room or building in which food is stored for hire, except a refrigerated warehouse. *(Adopted March 12, 1946, effective July 1, 1946.)*

REGULATIONS

Regulation 1. Food to be wholesome. No article of food shall be placed, received, or kept in any dry warehouse in the City of New York, unless the same is in an apparently sound and wholesome condition.

Regulation 2. Danger of spoilage. Every operator or person in charge of a dry warehouse shall notify the owner of record of the food stored therein and of the state of such food when there is apparent danger of spoilage.

Regulation 3. Fumigation. Every operator or person in charge of a dry warehouse shall eliminate insect infestation from storerooms by fumigation or other effective means.

Regulation 4. Food not to be stored in insanitary places.

(a) Food shall not be stored in any building, room or place which is insanitary, poorly equipped for lighting, damp, or inadequately ventilated; or where said food may be exposed to contamination or to objectionable odors or gases; or in any room used for sleeping purposes; or used for or in connection

with the harboring of any animals. When reliance must be upon artificial lighting for the inspection of food, the lighting intensity shall not be less than 20 foot-candles at the plane of inspection.

(b) Food in other than containers affording protection from contamination by odorous, dusty or poisonous inedible materials, shall be stored separate and apart from such materials.

(c) Unused pipe lines, shafting, shafting fixtures, equipment, equipment supports, or abandoned material shall be removed from rooms where food is stored so as to leave floors, walls and ceilings clear and unobstructed.

Regulation 5. Walls and ceilings. Walls and ceilings shall be of hard material, and shall be kept clean, sanitary and in good repair.

Regulation 6. Floors and loading platforms. Floors and loading platforms shall be of smooth, hard materials, and shall be kept clean, sanitary and in good repair. If the loading platform is not of solid construction, the space underneath shall be open and accessible for cleaning.

Regulation 7. Water-closets and washing facilities. A sufficient number of water-closets, conveniently located, and adequately ventilated and lighted, shall be provided on the premises for all employees. Washing facilities including hot and cold running water conveniently located in or adjacent to the water-closet compartment shall be provided. Soap and clean individual towels shall be provided. The use of a common towel and common drinking cup is prohibited.

Regulation 8. Plumbing fixtures; unsafe plumbing installations prohibited.

(a) Plumbing and fixtures in the premises shall be properly connected, vented and drained, and so installed as to prevent possible contamination of the city water supply or other potable water supply. Every water supply outlet or connection to a water supply fixture or appliance shall be protected from back-flow into the water system. The outlet end from which the potable water flows shall be spaced above the flood level rim of the receiving receptacle a distance sufficient to provide a safe minimum air gap. Provided, however, where the operation of a device, fixture or apparatus inherently requires that the water outlet end be at times submerged such device, fixture or apparatus may be used if provided with an approved back-flow preventor (also known as a vacuum breaker), and a check valve, which check valve shall be inserted between the back-flow preventor and the fixture in accordance with the requirements of the current Building Code.

(b) The outlet end or nozzle of a hose connected to the potable water supply shall not be submerged in receptacles containing liquids unless the hose connection is provided with an approved back-flow preventor and a check valve inserted between the back-flow preventor and the hose connection. No outlet end or nozzle of such hose shall at any time be permitted to lie on the floor.

(c) All plumbing and fixtures shall be maintained in good repair and working order.

Regulation 9. Rodent proofing. The premises, fixtures and equipment shall be kept free from rodents and possible rodent harborages, and there shall be included in the construction of such premises fixtures and equipment, designs and materials that are inherently rodent proof.

Regulation 10. Protection of food.

(a) Food shall not be subjected to insanitary human handling and shall be adequately protected from dust, dirt, flies, insects, rodents, vermin, foreign material or other contamination.

(b) Food shall not be stored closer than 1 foot from any walls or partitions, and shall not be stacked without separating aisles of at least 2 feet between stacks. The size of stacks shall be limited to an area which will afford proper inspection.

(c) The floor area between stacks and underneath storage platforms or skids shall be kept clean at all times. The stacking area shall be cleaned after each clearing. Storage platforms shall be so constructed as to permit easy cleaning.

Regulation 11. Mending or repairing containers. Torn bags and broken containers of food shall not be stacked with whole bags and unbroken containers of food until the bags shall have first been mended or the containers repaired. Mending of bags and repairing of containers shall be performed without undue delay so as to prevent spillage and exposure of food to contamination.

Regulation 12. Disposition of food unfit for human consumption.

Food which has spilled from its container and which is generally known as floor sweepings shall be deemed unfit for human consumption if such unprotected food has had contact with the floor. Food which has become apparently unfit for human consumption shall be kept separate and apart from wholesome food. Every operator or person in charge of a dry warehouse shall notify the owner of such unwholesome food and the Health Department of the presence of said unwholesome food. Upon an order in writing, issued by a duly authorized representative of the Department of Health, such unwholesome food shall be properly denatured, marked "condemned" and removed promptly.

Regulation 13. Reconditioning area.

(a) Where, because of the nature of the food, reconditioning or salvaging is permitted by the Department of Health or other official food control agency, such operation may be performed in a dry warehouse by the owner of the food stored therein. In such case, where deemed necessary by the Department of Health, a separate room or floor area removed from traffic, shall be provided for this purpose.

(b) Where the type of operations result in wet floors or require frequent flushing of floors, and the Department of Health deems it necessary, the floors shall be constructed of smooth, hard, moisture-impervious material, graded and drained to properly trapped and sewer-connected drains. In such cases, the juncture formed by the wall and floor shall be coved, and the waterproof material extended to a point at least 6 inches above the floor.

(c) A utility sink with hot and cold running water shall be provided in the reconditioning room or area.

(d) The reconditioning room or area shall be properly lighted by natural or artificial means so that all parts thereof may be readily seen and inspected. When reliance must be upon artificial lighting, the average maintained lighting intensity shall not be less than 20 foot-candles at the working level. Where special illumination is required for proper reconditioning or inspection, the illumination shall not be less than 50 foot-candles on the working plane.

Regulation 14. Keeping of records; inspection of same.

(a) The owners, operators and persons in charge of a dry warehouse for the storage of food shall keep a record in the said warehouse, which record shall show the kind of food stored, the quantity in weight or count, the type of container, the date of receipt and the name and address of the person for whom stored. The record shall also show the date of release and the name and address of the person to whom released. Said record shall be kept for a period of one year from the date of release.

(b) The owners, operators and persons in charge of a dry warehouse for the storage of food shall upon request of a duly authorized representative of the Department of Health permit such representative access to any and all records pertaining to any food stored therein and such representative shall have the right to copy any and all such records.

(Adopted March 12, 1946; effective July 1, 1946.)

§149. Conduct and maintenance of restaurants regulated; permit required.

No person shall conduct, operate, or maintain any restaurant in The City of New York without a permit therefor issued by the Board of Health or otherwise than in accordance with the terms of said permit and the regulations of said board. The term "restaurant," as herein used, shall be taken to mean and include every buffet, lunch room, grill room, lunch counter, dining-room of hotel, and every other public place where food is served, sold and consumed on the premises, every lunch counter in a saloon where food is sold or given away, and all kitchens appurtenant thereto or connected therewith. *(Amended January 30, 1917.)*

REGULATIONS GOVERNING THE PREPARATION, STORING, OFFERING FOR SALE AND SELLING FOOD AND DRINK IN KITCHENS, SERVING AND DINING ROOMS OF HOTELS, RESTAURANTS, BOARDING HOUSES, CAFES, LUNCH ROOMS, SALOONS, GRILL ROOMS, BUFFETS, OR OTHER PUBLIC PLACES.

Regulation 1. Food or drink not to be stored in stable, or other insanitary places. Food and drink shall not be prepared, cooked, mixed, baked, exposed, bottled, packed, handled, stored, manufactured, offered for sale or sold in any stable; room used for sleeping purposes; or in any room or place which is dark, damp, poorly ventilated or insanitary.

Regulation 2. Water-closet compartments. Every water-closet compartment, except when provided with mechanical means of ventilation, shall have a window at least one foot by three feet between stop-beads opening to the external air and the entire window shall be made so as to readily open, or an opening connected with the external air measuring at least 144 square inches for each water-closet or urinal, with an increase of 72 square inches for each additional water-closet or urinal. The door or doors of the water-closet compartment shall be self-closing. Where the water-closet is in direct communication with the room in which food or drink is prepared, cooked, mixed, baked, exposed, bottled, packed, handled, stored, manufactured, offered for sale or sold, if required by the Department of Health, a suitable and properly lighted vestibule shall be provided. The door of the vestibule shall be self-closing. All water-closet fixtures, water-closet compartments, and vestibules shall be maintained in a clean and sanitary condition and in good repair.

Regulation 3. Restaurant to be kept free from flies, rats, mice and other vermin. Every practical precaution shall be taken to keep the restaurant free from flies, rats, mice and other vermin.

All flour, cereals and similar foodstuffs shall be stored in glass, earthenware, metal or other rat-proof containers or receptacles and kept covered when not in use.

Regulation 4. Rubbish, useless or offensive material. No accumulation of rubbish, useless or offensive material shall be permitted in any room or place where food or drink is prepared, cooked, mixed, baked, exposed, bottled, packed, handled, stored, manufactured, offered for sale or sold.

Regulation 5. Lighting. All rooms or places in which food or drink is prepared, cooked, mixed, baked, exposed, bottled, packed, handled, stored, manufactured, offered for sale or sold, shall be properly and adequately lighted so that all parts thereof may be readily inspected.

Regulation 6. Elimination of flies. Openings into the outer air shall be effectively screened and doors shall be self-closing, unless other effective means are provided to eliminate flies or prevent their access.

Regulation 7. Construction of walls and ceilings. Walls and ceilings shall be of a smooth, hard material and must be kept clean and sanitary and in good repair, and shall be of light-colored finish.

Regulation 8. Construction of floors. Floors shall be smooth and water-tight and must be kept clean and sanitary and in good repair.

Regulation 9. Counters, shelves, showcases and windows. All show or display cases or windows, counters, or shelves, used in handling, keeping and displaying food and drink shall be kept clean and sanitary, free from dust, dirt and other contaminating material and in good repair.

Regulation 10. Refrigerators, ice boxes, etc. All refrigerators, ice boxes, and appurtenances thereof used for the storage of food or drink shall be kept clean and sanitary and in good repair, and the compartment used for the storage of ice shall be lined with some proper metallic substance so as to be water-tight.

Regulation 11. Drain pipes from refrigerators; to discharge into open sink; exceptions. No drain pipe from a refrigerator shall be connected with the soil or waste pipe, but it shall discharge into a properly trapped, sewer-connected, open sink which shall be kept properly cleansed, except where another method of drainage has been approved by the Department of Health. Provided, however, that the drain pipe from an ice-box or other refrigerated container using ice, which has a food storage capacity not greater than five (5) cubic feet, may discharge into a pail or other water-tight receptacle.

Regulation 12. Refrigeration of perishable foodstuffs. All perishable food or drink shall be stored and kept refrigerated in a properly constructed refrigerator.

Regulation 13. Lighting and ventilation of kitchens. All kitchens shall be provided with proper and adequate windows, or with artificial light and mechanical means of ventilation so that all parts thereof may be readily inspected and ventilated.

Regulation 14. Ventilating hoods to be provided. All vats or equipment used for the purpose of boiling oils or fats and all stoves and ovens together with the ash pits, if any, shall be provided with ventilating hoods and ducts or with other mechanical means, to carry off to the outer air, any steam, gases, odors, vapors, dust and excessive heat that may be generated in the process of cooking or baking in a restaurant so as to render same harmless to persons working therein.

Regulation 15. Wooden platforms. All wooden platforms used in kitchens and not entering into the permanent construction of building shall be thoroughly scrubbed daily with hot water and sal soda, or other suitable cleansing agent.

Regulation 16. Construction of apparatus, utensils, and appurtenances. All apparatus, utensils and appurtenances thereof used in the preparation and handling of food and drink shall be so constructed and placed that they can be thoroughly cleaned and shall be kept clean and sanitary and in good repair.

Regulation 17. Sinks and water supply. Suitable sinks with an adequate supply of running hot and cold water shall be provided.

Regulation 18. Washing facilities at bars and soft drink fountains. Every bar and soft drink fountain shall have proper and adequate washing facilities with running hot and cold water.

Regulation 19. Use of rusted or badly worn utensils prohibited. The use of any utensil used in the preparation, service and sale of food or drink, which is badly worn, rusted, corroded, or in such condition that it cannot be rendered clean and sanitary by washing, is prohibited.

Regulation 20. Protection of foodstuffs. All proper precautions shall be taken and suitable containers, covers, show cases or other means or facilities shall be provided so as to adequately protect foodstuffs from contamination by dust, dirt, flies or handling by customers.

Regulation 21. Storage of food on floor, sidewalk, etc. No food intended for human consumption shall be deposited or allowed to remain within two feet of the surface of any sidewalk, street, alley, or public place or on the floor of any building where exhibited unless the same shall be contained in boxes or other receptacles so as to be protected from dogs and other animals and their excretions.

Regulation 22. Cleanliness of utensils. All utensils used in the preparation, service, and sale of food or drink shall be properly cleansed with hot water after being used and no utensil shall, under any circumstances, be used a second time unless it shall have been, after previous use thereof, so cleansed, and in such cleansing, the use of water which has become insanitary by previous use is prohibited.

Regulation 23. Raw material. All food, drink, and raw material used in the preparation, service, and sale shall be healthy, fresh, sound, wholesome and safe for human consumption.

Regulation 24. Storing of foodstuffs to be considered prima facie evidence of its use. The presence of any food, drink or raw material in any part of the establishment shall be deemed prima facie evidence of its use for human food.

Regulation 25. Coloring matter or preservatives. The presence in any part of an establishment of any prohibited coloring matter or preservative shall be deemed prima facie evidence of its use and the presence of any such material may be sufficient cause for the prosecution of the owners and proprietors of the establishment.

Regulation 26. Disposition of food and drink unfit for human consumption. Food or drink which has become unfit for human consumption shall be kept separate and apart from other foodstuffs which are held, kept, and offered for sale, properly denatured, marked "Condemned" and removed daily.

Regulation 27. Garbage receptacles. Suitable receptacles made of metal for holding without leakage all waste material which may accumulate during twenty-four consecutive hours, shall be provided. Every such receptacle shall be fitted with a tight cover and shall be kept covered except when being filled or emptied.

All garbage and waste material shall be removed from the premises daily and shall not be allowed to become a nuisance.

Regulation 28. Use of lead, or other metallic faucet, tank, etc., that may affect liquids. No person shall use any tap, faucet, tank, fountain or vessel, or any pipe or conduit in connection therewith, which shall be composed or made, either wholly or in part of lead, or other metal or metallic substance that is or will be affected by a liquid so that dangerous, unwholesome, and deleterious compounds are formed therein or thereby, or such that soda water, syrups, or other liquids, or any beverage, drink, or flavoring material drawn therefrom shall be unwholesome, dangerous, or detrimental to health.

Regulation 29. Water-closets and washing facilities. A sufficient number of water-closets conveniently located shall be provided for all employees engaged in the preparation or handling of food or drink, and such water-closets shall be kept clean and sanitary and in good repair. A washroom conveniently located shall be provided, furnished with soap, hot and cold running water and fresh, clean individual towels daily. A notice shall be conspicuously posted in watercloset compartment or washroom directing all employees to cleanse their hands before leaving and immediately before commencing work. The use of common towel is prohibited.

Regulation 30. Lockers. Sufficient lockers, conveniently located, shall be provided on premises for street clothing of employees engaged in the preparation or handling of food or drink; such lockers, however, shall not be located in any room where food or drink is manufactured, prepared, cooked, baked or bottled.

Regulation 31. Health of employees. No person who has any infectious or venereal disease shall be permitted to prepare or handle food or drink or any utensils used in the preparation or handling of same.

Regulation 32. Habits of employees. All persons preparing or handling food or drink shall be cleanly in their habits, and must wash their hands before beginning work and after visiting toilet.

Regulation 33. Clothing of employees. All persons preparing or handling food or drink shall wear clean, washable outer garments.

Regulation 34. Cleanliness of employees engaged in mixing ingredients. All persons immediately engaged in the mixing of ingredients entering into the composition of food or drink, or its subsequent handling, shall thoroughly wash their hands, and shall thereafter keep them clean during such manufacture and handling.

Regulation 35. Towels and cloths used by waiters. All towels and cloths used by waiters, chefs, and other employees, shall be clean and sanitary and such towels and cloths shall not be used for drying or wiping plates, glasses, or other utensils, or permitted to come in contact with any foodstuff.

Regulation 36. Spitting signs. Placards prohibiting spitting on floors shall be conspicuously posted.

Regulation 37. Housing of animals prohibited. No animals, excepting cats, shall be housed or kept in any room where food or drink is prepared, cooked, mixed, baked, exposed, bottled, packed, handled, stored, manufactured, offered for sale or sold.

Regulation 38. Dry sweeping prohibited. Dry sweeping in any place or room where food or drink is prepared, cooked, mixed, baked, exposed, bottled, packed, handled, stored, manufactured, offered for sale or sold is prohibited.

Regulation 39. The use of poisonous substances for cleansing or polishing kitchen-ware or silver-ware prohibited. The use of any article, polish or substance containing any cyanide preparation or other poison is prohibited for the cleansing or polishing of copper, nickel, silver, silver-plated ware or appliances or utensils in any hotel, club, restaurant or public eating place used for the service or preparation of food or drink therein.

Regulation 40. Self-inspection by operators. The operator of every retail food establishment shall himself be or have in his employ or engage the services of a qualified person who shall be able to make sanitary and food inspections. A qualified person shall be taken to mean a person who has taken suitable courses in food sanitation chemistry, bacteriology, food technology, or who has had two years of practical experience in the supervision of personnel in food establishments. Such qualified person shall make inspections of the establishment at not less than monthly intervals and his findings on these inspections shall be recorded on forms approved by the Department of Health and shall be kept on file at the premises for a period of 12 months. Such inspection reports shall be open to inspection by representatives of the Department of Health at all times.

(Regulation 40 adopted May 13, 1947, effective July 1, 1947.)

§149. Regulation 6. *(Amended by resolution filed with City Clerk February 14, 1941 and published in The City Record February 19, 1941.)*

§150. The care and sale of food and drink in stores regulated.

No grocery store, butcher store, delicatessen store, confectionery store, bakery store, milk store, butter and egg store, fruit and vegetable store, fish store, or other place where

food or drink is handled, stored, offered for sale, or sold, shall be conducted or maintained otherwise than in accordance with the regulations of the Board of Health.

REGULATIONS

- Regulations 1 to 27.** All retail stores.
Regulations 31 to 34. Retail butcher stores.
Regulations 35 to 38. Retail fish stores.
Regulations 41 to 55. Retail confectionery stores.
Regulations 60 to 70. Retail stores selling milk, milk products and eggs.
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GENERAL REGULATIONS GOVERNING THE CONDUCT OF ALL RETAIL STORES.

Regulation 1. Food and drink not to be stored in stables or other insanitary places. Food and drink shall not be handled, stored, offered for sale or sold in any stable; room used for sleeping purposes; or in any room or place which is dark, damp, poorly ventilated or insanitary.

Regulation 2. Water-closet compartments. Every water-closet compartment, except when provided with mechanical means of ventilation, shall have a window at least one foot by three feet between stop-heads opening to the external air and the entire window shall be made so as to readily open, or an opening connected with the external air measuring at least 144 square inches for each water-closet or urinal, with an increase of 72 square inches for each additional water-closet or urinal. The door or doors of the water-closet compartment shall be self-closing. Where the water-closet is in direct communication with the room in which food or drink is handled, stored, offered for sale, or sold, if required by the Department of Health, a suitable and properly lighted vestibule shall be provided. The door of the vestibule shall be self-closing. All water-closet fixtures, water-closet compartments and vestibules shall be maintained in a clean and sanitary condition and in good repair.

Regulation 3. Rubbish, useless or offensive material. No accumulation of rubbish, useless or offensive material shall be permitted in any room or place where food or drink is handled, stored, offered for sale or sold.

Regulation 4. Lighting. All rooms or places in which food or drink is handled, stored, offered for sale, or sold, shall be properly and adequately lighted so that all parts thereof may be readily inspected.

Regulation 5. Elimination of flies. Openings into the outer air shall be effectively screened and doors shall be self-closing, unless other effective means are provided to eliminate flies or prevent their access.

Regulation 6. Construction of walls and ceilings. Walls and ceilings shall be of a smooth, hard material, and must be kept clean and sanitary and in good repair.

Regulation 7. Construction of floors. Floors shall be smooth and must be kept clean and sanitary and in good repair.

Regulation 8. Counters, shelves, show cases, and windows. All show or display cases or windows, counters, or shelves, used in handling, keeping and displaying food or drink shall be kept clean and sanitary, free from dust, dirt, and other contaminating material and in good repair.

Regulation 9. Drain pipes from refrigerators; to discharge into open sink; exceptions. No drain pipe from a refrigerator shall be connected with the soil or waste pipe, but it shall discharge into a properly trapped, sewer-connected, open sink which shall be kept properly cleansed, except where another method of drainage has been approved by the Department of Health. Provided, however, that the drain pipe from an ice-box or other refrigerated container using ice, which has a food storage capacity not greater than five (5) cubic feet, may discharge into a pail or other water-tight receptacle.

Regulation 10. Refrigerators, ice-boxes, etc. All refrigerators, ice-boxes and appurtenances thereof used for the storage of food and drink shall be kept clean and sanitary and in good repair, and the compartment used for the storage of ice shall be lined with some proper metallic substance so as to be water-tight.

Regulation 11. Sinks. Suitable sinks with an adequate supply of hot and cold running water shall be provided.

Regulation 12. Washing facilities for employees. Soap, hot and cold

running water and fresh, clean, individual towels, shall be provided for each employee, and the same shall be readily accessible to these employees. The use of common towel is prohibited.

Regulation 13. Health of employees. No person who has any infectious or venereal disease shall be permitted to handle food or drink or any utensil used in dispensing same.

Regulation 14. Habits of employees. All persons handling food or drink shall be cleanly in their habits, and must wash their hands before beginning work and after visiting toilet.

Regulation 15. Clothing of employees. All persons handling food or drink shall wear clean, washable outer garments.

Regulation 16. Garbage receptacles. Suitable water-tight, properly covered, galvanized iron, or other sanitary metal cans for receiving and holding without leakage all garbage and other waste material shall be provided. A tight-fitting cover shall be provided for each can, and the can shall be kept covered. All garbage and other waste material shall be removed from the premises daily and shall not be allowed to become a nuisance.

Regulation 17. Disposition of food and drink unfit for human consumption. Food or drink which has become unfit for human consumption, shall be kept separate and apart from other foodstuffs which are held, kept, and offered for sale, properly denatured, marked "Condemned" and removed daily.

Regulation 18. Spitting signs. Placards prohibiting spitting on floors shall be conspicuously posted.

Regulation 19. Refrigeration of perishable foodstuffs. All perishable food or drink shall be stored and kept refrigerated in properly constructed refrigerators.

Regulation 20. Cleanliness of utensils. All utensils used in the preparation, service, and sale of food or drink shall be properly cleansed with hot water after being used and no utensil shall, under any circumstances, be used a second time unless it shall have been, after previous use thereof, so cleansed, and in such cleansing, the use of water which has become insanitary by previous use is prohibited.

Regulation 21. Rusted or badly worn utensils prohibited. The use of any utensil used in the preparation, service, and sale of food or drink, which is badly worn or rusted, corroded, or in such condition that it cannot be rendered clean and sanitary by washing is prohibited.

Regulation 22. Coloring matter or preservatives. The presence in any part of an establishment of any prohibited coloring matter or preservative shall be deemed prima facie evidence of its use, and the presence of any such material may be sufficient cause for the prosecution of the owners or proprietors of the establishment.

Regulation 23. Exhibition and arrangement of foodstuffs. All foodstuffs shall be arranged and displayed in an orderly and systematical manner so as to improve the general appearance of the store and to facilitate cleaning and inspection of same.

Regulation 24. Food not to be deposited or allowed to remain within two feet of the surface of any sidewalk, street, or floor, etc. No food intended for human consumption shall be deposited or allowed to remain within two feet of the surface of any sidewalk, street, alley, or public place, or the floor of any building where exhibited unless the same shall be contained in covered boxes or other covered receptacles so as to be protected from dogs and other animals and their excretions.

Regulation 25. Protection of foodstuffs. All proper precautions shall be taken and suitable containers, covers, show cases or other means or facilities shall be provided so as to adequately protect foodstuffs from contamination by dust, dirt, flies or handling by customers.

Regulation 26. Storing of food to be prima facie evidence of its use. The presence of any food, drink, or raw material in any part of the establishment shall be deemed prima facie evidence of its use for human food.

Regulation 27. Wrapping of food regulated and restricted. No person, for any purpose, shall, at any time, moisten with saliva, directly or indirectly, by spitting or by the use of fingers or utensils or accessories of any kind, any food or any wrapper in which food is placed or any label affixed to any such food or such wrapper.

Regulation 28. Self-inspection by operators. The operator of every

retail food establishment shall himself be or have in his employ or engage the services of a qualified person who shall be able to make sanitary and food inspections. A qualified person shall be taken to mean a person who has taken suitable courses in food sanitation, chemistry, bacteriology, food technology, or who has had two years of practical experience in the supervision of personnel in food establishments. Such qualified person shall make inspections of the establishment at not less than monthly intervals and his findings on these inspections shall be recorded on forms approved by the Department of Health and shall be kept on file at the premises for a period of 12 months. Such inspection reports shall be open to inspection by representatives of the Department of Health at all times.

(Regulation 28 adopted May 13, 1947, effective July 1, 1947.)

ADDITIONAL REGULATIONS GOVERNING THE CONDUCT OF BUTCHER SHOPS.

Regulation 31. Construction of counters, work benches, and pickling vats, etc. All counters, work benches, pickling vats, refrigerated display cases, stationary trays and appurtenances thereof used in the handling, displaying, and storing of meats and other foods shall be of a smooth, hard material, and constructed and arranged so as to permit of thorough cleansing and ready access.

Regulation 32. Maintenance of counters, work benches, and pickling vats, etc. All counters, work benches, pickling vats, refrigerated display cases, stationary trays and appurtenances thereof used in the handling, displaying, and storing of meats and other foods shall be kept clean and sanitary and in good repair, and must be scrubbed with hot water and sal soda, or other suitable cleansing agent at the close of each day's use.

Regulation 33. Protection of meats, poultry, etc., when displayed for sale. All meats, poultry, game, fish, and similar products when displayed for sale shall be kept within closed refrigerated display cases, so as to prevent unwarranted human handling and contamination by dust, dirt, and flies. Provided, however, this regulation shall not apply to smoked meats, sausages, hams, or other similar products which are protected by a fly and dustproof wrapper.

Regulation 34. Sale of unplucked poultry in butcher shops regulated. No unplucked poultry shall be kept, sold or offered for sale in any store or other public place where meats or other foodstuffs are sold or offered for sale, unless such unplucked poultry shall be kept in a refrigerated display case and separate and apart from the other meats or foodstuffs on sale in such premises, so as to prevent contamination from such unplucked poultry; nor shall poultry be dry plucked or permitted to be dry plucked in any store or public place unless a separate room be provided to be used exclusively as a plucking room. The floors, walls and ceiling of the plucking room shall be kept in a clean and sanitary condition and in good repair and shall be painted whenever required by the Department of Health. The floors, walls and fixtures in the plucking room shall be washed at the close of each day's work with a disinfecting solution and thereafter flushed with clean water. Suitable metal receptacles with tight-fitting metal covers for the holding of feathers shall be provided, and the feathers shall be removed daily from the premises and the receptacles thereupon disinfected.

ADDITIONAL REGULATIONS GOVERNING THE CONDUCT OF FISH STORES.

Regulation 35. Construction of counters, work benches, display cases, etc. All counters, work benches, refrigerated display cases, stationary trays and appurtenances thereof used in the handling, displaying, and storing of fish and shell fish shall be of a smooth, hard material, and constructed and arranged so as to permit of thorough cleansing and ready access, and shall be water-tight and properly drained.

Regulation 36. Maintenance of counters, work benches, display cases, etc. All counters, work benches, refrigerated display cases, stationary trays and appurtenances thereof used in the handling, displaying, and storing of fish and shell fish, shall be kept clean and sanitary and in good repair, and must be scrubbed with hot water and sal soda, or other suitable cleansing agent, at the close of each day's use.

Regulation 37. Iced fish and shellfish to be stored and displayed so as not to cause a nuisance. All iced fish and shellfish stored in wooden

boxes or barrels or displayed on counters shall be kept, stored, or displayed in such a manner as not to cause a nuisance, or be a menace to health.

Regulation 38. Refrigeration. All fish shall be kept properly chilled or refrigerated at all times.

ADDITIONAL REGULATIONS GOVERNING THE CONDUCT OF CONFECTIONERY STORES.

Regulation 41. Construction of soda water fountains and ice cream refrigerators. All soda water fountains, ice cream refrigerators, and appurtenances thereof shall be so constructed and placed so as to permit of thorough cleansing. All such equipment shall be kept clean and sanitary and in good repair, and must be washed daily with hot water and sal soda or other suitable cleansing agent.

Regulation 42. Running hot and cold water to be provided. An adequate supply of running hot and cold water shall be provided.

Regulation 43. Sinks. All sinks used for the cleansing of utensils shall be equipped with an overflow.

Regulation 44. Protection of utensils. All utensils used in the service and sale of ice cream and soda water shall be protected against contamination by dust, dirt, and flies, or cleansed immediately before use.

Regulation 45. Cleansing of containers. All containers used in the storing, transporting and distributing of ice cream, ices, and other frozen products shall be thoroughly cleansed immediately upon emptying.

Regulation 46. Use of rusted or badly worn containers prohibited. The use of any container for storing, transporting and distributing of ice cream, ices and other frozen products which is badly worn, rusted, corroded, or in such condition that it cannot be rendered clean and sanitary by washing, is prohibited.

Regulation 47. Use of lead or other metallic faucet, tank, etc., that may affect liquids. No person shall use any tap, faucet, tank, fountain or vessel or any pipe or conduit in connection therewith, which shall be composed or made either wholly or in part of lead or other metal or metallic substance, that is or will be affected by a liquid so that dangerous, unwholesome or deleterious compounds are formed therein or thereby or such that soda water, syrups, or other liquids, or any beverage, drink, or flavoring material drawn therefrom shall be unwholesome, dangerous or detrimental to health.

Regulation 48. Protection of candy and other confections or foodstuffs. All proper precautions shall be taken and suitable containers, covers, show cases or other means or facilities shall be provided so as to adequately protect candies, other confections and foodstuffs from contamination by dust, dirt, flies or handling by customers.

Regulation 49. Towels for drying dishes. All towels used for drying dishes, receptacles and utensils shall be clean.

Regulation 50. Frozen desserts. Frozen desserts must be stored in a covered receptacle, or cabinet which shall be well drained and sanitary. Such receptacle or cabinet must be kept covered, except during such intervals as are necessary for the removal of the commodity.

Regulation 51. Protection of frozen desserts and equipment. Frozen desserts and equipment and utensils used in serving it, together with fruits and flavors, shall be protected from flies and other insects and from dust.

Regulation 52. Cabinet cleanliness and protection. Frozen dessert cabinets used by dealers and vendors shall be clean, present a neat appearance and be free from objectionable odor.

Regulation 53. Dippers, spoons, etc. Dippers, spoons, and other utensils, containers and apparatus used for the dispensing of frozen desserts, must be kept free from dirt and other contamination, must be handled in a sanitary manner and washed in clean hot water, containing soap or an alkaline detergent and subsequently rinsed in clean water, or cleansed by some other method approved by the Department of Health. Dippers, spoons, and other dispensing tools, shall be kept in running water during intervals between use.

Regulation 54. Use of containers.

(a) Frozen dessert cans shall be used for no other purpose than to store frozen desserts.

(b) The cabinet or package receptacle or the frozen dessert compartment of soda fountains shall be used for no other purpose than to store frozen desserts.

Regulation 55. Sale of bulk frozen desserts on street forbidden. It shall be unlawful to peddle or sell on the streets frozen desserts in any other form than the original package.

ADDITIONAL REGULATIONS GOVERNING THE CONDUCT OF RETAIL STORES SELLING MILK, CREAM, BUTTER-MILK, BUTTER, CHEESE OR EGGS.

Regulation 60. Products to be kept under refrigeration. All milk, cream, buttermilk, butter and cheese shall be kept at all times under proper refrigeration. A sufficient number of properly constructed ice tubs or other adequate refrigerating facilities for the keeping of milk and cream shall be provided.

Regulation 61. Temperature of milk or cream. Milk and cream shall be kept at a temperature of 50 degrees F. or below, at all times.

Regulation 62. Dippers. All dippers used for dipping cream or buttermilk shall be of the seamless sanitary type and heavily tinned. Such dippers shall be kept clean while in use and must be thoroughly cleaned with hot water and soda (sodium carbonate) and then with boiling water directly after each day's use.

Regulation 63. Empty cans to be cleaned. All cans or other receptacles used for cream or buttermilk shall be thoroughly cleaned immediately upon emptying.

Regulation 64. Cream tags to be filed. The tags on cans of cream immediately after being emptied must be placed and kept on file in the store for at least two months so as to be available for inspection by a representative of the Department of Health.

Regulation 65. Sale of whipped butter at retail. Where whipped butter is exposed for sale at retail in such a manner as to prevent a clear view of the label attached to the container, a sign or placard in Gothic letters at least three-quarter ($\frac{3}{4}$) inches high, with the words "Whipped Butter," shall be securely attached to the said container or displayed immediately above said container as to be readily seen by the customer.

Regulation 66. Egg candling booths and benches to be clean. Where a booth or bench is used for the candling, sorting, grading or packing of eggs, same shall be constructed of smooth material so as to lend themselves readily to cleaning.

Regulation 67. Evidence of use. The presence of any eggs in any part of the establishment shall be deemed prima facie evidence of their use for human food.

Regulation 68. Marking case eggs. All cases of candled eggs handled, stored, offered for sale or sold, shall be legibly stenciled "candled (date of candling)."

Regulation 69. Denaturing of "spot" or "spot eggs." During the process of candling eggs for food purposes all eggs found to be "spot" or "spot eggs" shall be immediately denatured. The term "denatured" when used herein refers to the treatment of eggs with a substance approved by the Department of Health, the presence of which on the eggs prevents their use for human food. The term "spots" or "spot eggs" when used in these regulations shall be taken to mean all eggs that are partially hatched, broken yolked, blood ringed, or veined and all unsound eggs including those affected by molds or which are partially decomposed or that have become sour.

Regulation 70. Suitable receptacles for "spots" or "spot eggs" to be provided. Suitable receptacles for "spot" and "spot eggs" shall be provided in the candling booth or room. Such receptacles shall at all times contain a sufficient quantity of a denaturant and shall be stenciled with the words "Spot eggs denatured with (insert name of the denaturant)," all in two (2) inch block letters.

§150a. Sale of fish in streets regulated; sale of shellfish in streets prohibited; exception.

All fish held, kept or offered for sale in and upon any street or public place in The City of New York shall be properly iced or refrigerated, and kept and displayed in such manner as not to cause a nuisance or be menace to health.

All fish stands, push-carts or other vehicles shall be provided with tightly covered, water-tight, metal receptacles in which all refuse and waste material shall be immediately

placed. All refuse and other waste material shall be removed as often as necessary and shall not be allowed to become a nuisance.

No shellfish shall be held, kept, sold or offered for sale on a push-cart or other vehicle, in any street or public place in said city, except in the public markets designated by the Board of Aldermen and in accordance with the terms of the permit issued therefor in such public markets by the Board of Health and the regulations of said board.

(Former §150-a repealed March 20, 1934; new §150-a adopted December 10, 1935.)

REGULATIONS GOVERNING THE SALE OF SHELLFISH FROM PUSHCARTS AND OTHER VEHICLES IN PUBLIC MARKETS DESIGNATED BY THE BOARD OF ALDERMEN.

Regulation 1. Application for permit. The application for a permit to sell shellfish from a pushcart or other vehicle in public markets designated by the Board of Aldermen shall be made in accordance with the provisions of Section 164 of the Sanitary Code and the regulations adopted thereunder, except that the applicant shall furnish information as to the place of storage of the shellfish when not exposed for sale. All permits issued hereunder shall expire on December 31st of each year.

Regulation 2. Place of storage. The place of storage of shellfish shall be kept and maintained in a sanitary condition so that the shellfish stored thereat shall not be contaminated. No such place of storage shall be located in any stable or in any room or place which is dark, damp, poorly ventilated or insanitary.

Regulation 3. Sanitary construction of pushcarts, etc. The floors and sides of pushcarts and other vehicles used for the storage, display or sale of shellfish shall be kept in a clean and sanitary condition and shall be covered with smooth metal, free from rust or corrosion, with soldered tight seams and constructed with a drain pipe to drain all waste liquids and melted ice water into a metal receptacle to be provided for such purpose. Such receptacle shall be emptied as often as necessary and not allowed to leak or overflow.

Regulation 4. Waste disposal. Shells and other waste matter shall be disposed of in a water-tight metal receptacle with tight-fitting metal cover, as required in Section 150a of the Sanitary Code and shall be emptied as often as necessary so as not to cause a nuisance.

Regulation 5. Wash water. An adequate supply of clean water shall be available at all times, in which to dip hands and knives while opening shellfish. Such clean water receptacle shall be of metal and shall be thoroughly cleaned at least twice each day while in use. Such water shall be changed frequently and not allowed to become insanitary from repeated use.

Regulation 6. Personal cleanliness. All persons handling shellfish shall wash their hands thoroughly with water and soap on beginning work and after each visit to the toilet. Outer clothing worn by persons engaged in opening shellfish shall be kept reasonably clean.

Regulation 7. Shellfish regulations; source of supply. All shellfish held or kept in the storage place hereinbefore referred to, or sold or offered for sale from a pushcart or other vehicle, shall be purchased only from a dealer in possession of a permit from the Board of Health to sell shellfish in the City of New York. The containers of such shellfish shall be kept properly tagged as required by the regulations governing the sale of shellfish adopted by the Board of Health and relating to Section 164 of the Sanitary Code, and the provisions of said regulations applicable to retail sale of shellfish shall apply to the sale of shellfish from a pushcart or other vehicle. *(Adopted January 14, 1936.)*

§150b. Conduct and maintenance of retail food processing establishments regulated; permit required.

No person shall conduct, operate or maintain any retail food processing establishment in the City of New York without a permit therefor issued by the Board of Health or otherwise than in accordance with the terms of said permit and the regulations of said Board. The term "retail food processing establishment" as herein used, shall be taken to mean and include delicatessens, appetizing stores (stores specializing in food served as appetizers), box lunch stores or stores selling box lunches, caterers and retail food establishments which manufacture, mix, process, pickle or prepare food for off-the-premises consumption, but shall not be taken to mean and include restaurants, retail frozen dessert manufacturers, retail bakeries and soda fountains.

No person or persons shall be permitted to prepare, manufacture or handle food for sale in a dwelling or in any place other than one approved for such use by the Department of Health.

§150b. (*Adopted September 9, 1947, effective November 1, 1947.*)

§150b. (*Repealed March 20, 1934.*)

§150c. (*Repealed March 20, 1934.*)

§151. Unwholesome, unclean, watered, or adulterated milk, skimmed milk and cream, and skimmed milk, cream, butter or cheese made therefrom; possession and sale prohibited.

No persons shall have at any place where milk, skimmed milk, cream, butter, or cheese is kept for sale, or at any place sell, deliver, offer or have for sale or keep for use, nor shall any person bring or send to The City of New York, any milk, skimmed milk, or cream which is unwholesome, unclean, watered, or adulterated or milk known as "swill milk," or milk from cows or other animals that have been fed in whole or in part on swill, distillery waste, or any substance in a state of putrefaction or in any way unwholesome, or milk from sick or diseased cows or other animals, or any cream, skimmed milk, butter or cheese made from any such milk or any unwholesome butter or cheese. (*S. C., §52; amended June 28, 1917.*)

§151a. Butter, cheese and cream cheese, sale and manufacture regulated; eggs, sale regulated; "cream" and "cream cheese" defined; permit required; exception.

(*Repealed by resolution filed with City Clerk June 15, 1942 and published in The City Record June 17, 1942; effective October 1, 1942.*)

§151a: Regulations governing the preparation or manufacture of butter. (*Repealed by resolution filed with City Clerk June 15, 1942 and published in The City Record June 17, 1942; effective October 1, 1942; see new section 151-a set forth below.*)

§151a. Cheese; terms "cheddar cheese," "processed cheese" and "soft cheese" defined; pasteurization or aging; labeling required.

1. DEFINITIONS.

(a) "Cheddar cheese" as referred to in this section shall mean the cheese commonly known by that term and shall include the stirred type, Colby cheese, washed curd cheese, American cheese, store cheese, and similar types.

(b) "Processed cheese" as referred to in this section shall mean cheese, cheese foods or cheese spreads made from the various types of cheddar cheese mentioned above, which have been mixed, blended, heated, melted, and thereafter poured into molded package forms.

(c) "Soft cheese" as referred to in this section shall mean cheese commonly referred to as cottage cheese, cream cottage cheese, cream cheese, Neufchatel cheese, farmer cheese, Mozzarella, Scarmoza, fresh Ricotta, and similar types of cheese.

2. PASTEURIZATION OR AGING. No person manufacturing cheese or handling cheese as a wholesaler, jobber, assembler or broker in the City of New York, and no person obtaining cheese from outside the city, shall offer for sale, sell or deliver any cheddar cheese, processed cheese or soft cheese to the retail trade, restaurant trade, or ultimate consumer in the City of New York unless the same has been treated in one of the following ways: (a) by manufacturing the cheese from milk or milk products which have been pasteurized in accordance with the provisions of the Sanitary Code, or in a manner acceptable to the Commissioner of Health; (b) by subjecting the cheese to a heat treatment during the process of manufacture which in the opinion of the Commissioner of Health is equivalent to pasteurization; (c) by subjecting the cheese to an aging process whereby it has been kept for at least sixty (60) days after manufacture at a temperature not lower than 35 degrees Fahrenheit.

3. LABELING.

(a) Cheese which has been manufactured from pasteurized milk or milk products, or which has been subjected to a heat treatment equivalent to pasteurization as qualified above, shall bear a label indicating the name of the manufacturer, the place of manufacture, the word "pasteurized," and the common name of the cheese, except that a factory identification or a State license number, filed with the Department of Health, may be used in lieu of the manufacturer's name and the place of manufacture.

(b) Cheese which has been subjected to an aging process as hereinbefore provided shall bear a label indicating the name of the manufacturer, the place of manufacture, the date of manufacture, and the common name of the cheese, except that a factory identification number, filed with the Department of Health, may be used in lieu of the manufacturer's name and place of manufacture.

(c) In the case of blended cheese of the cheddar type which is made by mixing different lots of aged cheese and which has not been pasteurized or given an equivalent heat treatment, a statement on the label made by the manufacturer that all of the cheese in the blend is at least sixty (60) days old may be used in lieu of the date of manufacture, provided, however, that each label shall contain some identifying code which will relate to the manufacturer's

record of processing to enable a determination of the age of each different lot of cheese in the blend.

(d) All labels referred to above must be affixed by the manufacturer of the cheese at the place of manufacture, and no person shall offer for sale, sell or deliver to the retail trade, restaurant trade, or ultimate consumer in the City of New York any cheese which has not been labeled in accordance with these requirements, provided, however, that where cheese is repackaged or divided into wholesale cuts, the name and address of the packer or wholesaler may appear upon the package in lieu of the name and address of the manufacturer, and further provided that where cheese is manufactured or packaged for a wholesale distributor, the name and address of the wholesale distributor may appear in lieu of the name and address of the manufacturer.

These regulations shall become effective as follows: pasteurization or aging of cheddar cheese and processed cheese, as described in paragraph 2, on December 15, 1944; labeling of cheddar cheese and processed cheese, as described in paragraph 3, on April 1, 1945; and pasteurization and labeling of soft cheese, on January 1, 1946.

These provisions are to be deemed supplementary to and not in the place of existing statutes.

(Section 151-a added by resolution filed with City Clerk December 15, 1944 and published in The City Record December 18, 1944.)

§151b. Butter, cheese, cream cheese, and eggs; sale regulated; cheese and cream cheese defined; permit required. *(Repealed by resolution filed with City Clerk, March 20, 1939 and published in The City Record March 22, 1939.)*

§151c. Labeling of whipped butter; definition.

1. No whipped butter shall be held, kept, offered for sale, or sold in the City of New York unless the container is clearly, conspicuously and legibly labeled "WHIPPED BUTTER," together with the name and place of business of the manufacturer, packer or distributor.

2. Each letter of the words "WHIPPED BUTTER" shall be of a block (Gothic) type in capitals, and shall be not less than three-quarters of an inch in height, and if of greater height, the type and height of all letters shall be the same. When packed in a can, the words "WHIPPED BUTTER" must be lithographed or similarly applied on the side of the can in jet black color and when packed in a tub or other wooden container, the words "WHIPPED BUTTER" must be branded, by burning, into the wood of the side of the tub. Unless the name and place of business of the manufacturer, packer or distributor is lithographed or branded on the container, a label containing such information must be conspicuously and securely affixed to the container and kept thereon at all times. Provided, however, when packed in individual family size containers, the words "WHIPPED BUTTER" and the name and place of business of the manufacturer, packer or distributor, shall be clearly, conspicuously and legibly printed, with the words "WHIPPED BUTTER" not less than one-half inch in height. No word, design or statement which may be misleading shall appear on any container of whipped butter.

3. Whipped butter defined. The term "Whipped Butter" as used herein shall be taken to mean and include unadulterated butter which has been whipped or treated by means of any device or machine to incorporate air into the butter in order to increase its volume.

(Section 151-c amended by resolution filed with City Clerk June 15, 1942 and published in The City Record June 17, 1942; effective October 1, 1942.)

§151c. Regulations governing the preparation or whipping of butter by any device or machine. *(Repealed by resolution filed with City Clerk June 15, 1942 and published in The City Record June 17, 1942; effective October 1, 1942.)*

§151d. Butter; churning or manufactured. *(Repealed by resolution filed with City Clerk March 20, 1939 and published in The City Record March 22, 1939.)*

§152. Adulterated butter, milk and cream; distribution prohibited; terms "adulterated" and "butter" defined.

No butter, milk, or cream which is adulterated shall be brought into the City of New York, or held, kept, sold or offered for sale, at any place in said City; nor shall any person keep, have, sell or offer for sale in the said City any such butter or milk or cream.

The term "butter" as used herein, means the product of the dairy, usually known by that term, which is manufactured exclusively from pure unadulterated milk or cream, or both with or without salt or coloring matter.

Milk, butter or cream in the possession of or held, kept or offered for sale by a dealer in food shall prima facie be deemed to be held, kept and offered for sale as human food.

The term "adulterated" shall be taken to mean and include:

First. Milk containing more than eighty-eight and one-half per centum of water or fluids.

Second. Milk containing less than eleven and one-half per centum of milk solids.

Third. Milk from which any part of the cream has been removed.

Fourth. Milk containing less than three and three-tenths per centum of butter fat.

Fifth. Cream which contains less than eighteen per centum of butter fat.

Sixth. Milk, or cream from milk, which has been drawn from cows within fifteen days before or five days after parturition.

Seventh. Milk, or cream from milk, which has been drawn from animals fed on distillery waste, or any substance in a state of putrefaction or on any unwholesome food.

Eighth. Milk, or cream from milk, which has been drawn from cows kept in a crowded or unhealthy condition. The term "unhealthy condition" as used herein shall be taken to mean and include not only freedom from disease, but also the keeping of cows without providing an adequate plot for grazing and pasturing or a suitable and adequate yard for the exercising of such cattle.

Ninth. Milk or cream which has been diluted with water or any other fluid, or to which has been added, or into which has been introduced, any foreign substance whatever.

Tenth. Milk or cream, the temperature of which is higher than 50 degrees Fahrenheit, or which contains an excessive number of bacteria.

Eleventh. Milk, or cream from milk, which is produced in violation of the regulations of the Board of Health.

Twelfth. Butter containing less than eighty per centum by weight of butter fat.

The provisions of this section shall not be applicable, however, to modified milk, held or offered for sale under permit therefor issued by the Board of Health. The provisions of this section shall, however, apply to cream sold under any foreign name meaning cream, such as smeteny, crema, and rahm, and to all cream products and preparations such as homogenized products and milk curds. The provisions concerning temperature and bacterial content shall not apply to sour cream.

(Section 152, amended by resolution filed with City Clerk June 18, 1940 and published in The City Record June 21, 1940; effective September 1, 1940.)

§153. Adulterated milk, skimmed milk, and cream; seizure and destruction authorized.

Any milk, skimmed milk or cream found to be adulterated, which has been brought into The City of New York or is held or offered for sale in said city may be seized and destroyed by any inspector or other officer of the Department of Health authorized to inspect the said milk or cream. (*S. C., §54; amended June 28, 1917.*)

§154. Adulterated condensed milk; distribution prohibited; the term "adulterated" defined.

No person shall bring into the City of New York, or have, keep, sell or offer for sale in said City, any condensed milk which is adulterated.

The term "adulterated," when used in this section, refers to condensed milk in which the amount of fat is less than twenty-five per centum of the milk solids contained therein, or to which any foreign substance whatever has been added, excepting sugars, as in sweetened condensed milk.

(Section 154, as amended, filed with City Clerk June 20, 1939 and published in The City Record June 22, 1939.)

§155. Milk and milk products; sale regulated, permit required, exception; Health Department metal plates required on vehicles.

(1) No milk or milk products shall be held, kept, offered for sale, sold or delivered in the City of New York, without a permit issued therefor by the Board of Health or otherwise than in accordance with the terms of said permit and with the regulations of said Board.

(2) The permit requirement in this section shall apply to the sale or delivery of milk or milk products from vehicles directly to the consumer, but shall not apply to the sale of milk and milk products in retail stores where such milk or milk products are sold directly to the consumer, nor shall the provisions in this section apply to ice cream mix, condensed milk, or condensed skimmed milk, when sterilized and packed in hermetically sealed cans.

Permits heretofore issued for the sale of any of the aforesaid products in retail stores where such products are sold directly to the consumer shall be deemed revoked.

(3) Permits to sell milk or milk products in the City of New York shall be divided into three classes as follows:

Class A—For a dealer who operates a pasteurizing plant in New York City.

Class B—For a dealer who operates a milk and/or milk products depot.

Class C—For a dealer who operates not more than one vehicle, in the delivery or distribution of milk and/or milk products, and who does not maintain his own pasteurizing plant or milk and/or milk products depot but utilizes the facilities of a pasteurizing plant or

a milk and/or milk products depot located in the City of New York and under permit from the Board of Health.

(4) Every vehicle used in the transportation or delivery of milk or milk products in the City of New York, other than tank trucks, shall have affixed securely to the right side of the vehicle, in such a manner as to be visible at all times, a Health Department metal plate issued for the current year. Such metal plate shall be issued annually for each calendar year upon payment of one dollar, and shall not be transferable to another permittee. A revocation of any permit herein shall be deemed also as a revocation of the metal plate or plates issued to such permittee.

(§155 amended by resolution filed with City Clerk December 12, 1941 and published in *The City Record* December 13, 1941; subd. 3 amended by resolution filed with City Clerk October 15, 1942, and published in *The City Record* October 17, 1942.)

§155a. Vitamin D milk and milk products defined; production and sale thereof regulated; permit required.

(1) No person shall bring into The City of New York, or have, keep, sell, or offer for sale in said city, any milk or milk products, as Vitamin D milk or milk products, or as possessing anti-rachitic quality or potency, otherwise than in accordance with the regulations of the Board of Health and unless the Vitamin D content or potency has been measurably increased in the course of production by one of the following methods or processes:

- (a) Feeding of irradiated yeast to cows.
- (b) Direct irradiation of the milk or milk product with ultra-violet light or carbon arc lamp rays, or
- (c) The addition thereto of a concentrate of Vitamin D direct to the milk or milk product.

(2) No milk or milk product shall be processed or treated for the purpose of increasing the Vitamin D content or potency thereof, in The City of New York, which milk or milk product is intended for sale or distribution in said city and no milk or milk product which has been so processed or treated outside of The City of New York, and no milk or milk product produced from cows which have been fed with irradiated yeast, and no milk or milk product labeled or represented as "Vitamin D," or as possessing anti-rachitic quality or potency, shall be brought into The City of New York, for sale or distribution therein, without a permit therefor issued by the Board of Health of The City of New York or otherwise than in accordance with the regulations of the said board.

Permits pursuant to this section shall be divided into two classes, as follows:

"Vitamin D Processing Permit"—This permit shall confer permission to process or treat milk or milk products in The City of New York for the purpose of increasing their Vitamin D content.

"Vitamin D Transportation Permit"—This permit shall confer permission to bring into The City of New York for the purpose of sale thereof, milk or milk products, of which the Vitamin D content has been increased by any of the processes or methods referred to herein.

This section shall apply to evaporated, condensed, concentrated or modified milk packed in hermetically sealed cans when labeled or represented as "Vitamin D" or as possessing anti-rachitic quality or potency, except as regarding the source of supply of such milk product.

Vitamin D milk and milk products defined. Vitamin D milk and milk products as referred to herein and in the regulations adopted hereunder shall mean and include "Certified Milk," "Certified Milk (Pasteurized)," "Approved Milk (Pasteurized)," and "Modified Milk" produced in accordance with the provisions of the Sanitary Code and the regulations of the Board of Health and the milk products known as evaporated, condensed, concentrated and modified milk packed in hermetically sealed cans, of which the Vitamin D content or potency has been measurably increased by one of the following methods or processes:

- (a) Feeding of irradiated yeast to cows,
- (b) direct irradiation of the milk or milk product with the ultra-violet light or carbon arc lamp rays, or
- (c) The addition thereto of a concentrate of Vitamin D direct to the milk or milk product. (§155a amended by resolution, filed with City Clerk March 21, 1945 and published in *The City Record* March 26, 1945.)

REGULATIONS

§155a: Regulations: (*As adopted March 14, 1935, with amendments and additions; compilation filed with City Clerk November 13, 1940.*)

Regulation 1. Application for permit. Application for Vitamin D processing permits and Vitamin D transportation permits shall be made

upon forms of the Department of Health in which the applicant shall furnish the following information in addition to any other information that may be deemed necessary:

(a) The name and address of applicant and the location of place where vitaminized milk or milk product is to be produced, processed or treated.

(b) The milk or milk product and the method to be used in the production, processing or treating said milk or milk product for increasing the Vitamin D content.

(c) The name of patentee or licensor of vitaminizing method or process, together with the patent number, if any.

(d) The minimum number of U. S. P. XI units per quart to be contained in each product to be sold by the applicant.

(e) The name and address of the manufacturer of any apparatus used for the purpose of increasing the Vitamin D content.

(f) The name and address of manufacturers of the irradiated yeast to be fed to cows, or in a case of a concentrate of Vitamin D to be added to the milk or milk product, the name and address of the manufacturers of said concentrate.

(g) Samples of bottle caps or other labels showing all the printed matter to be used on the Vitamin D milk or milk product.

(Amended January 27, 1937.)

Regulation 2. Place of production or processing.

(a) Where Vitamin D milk is produced by the feeding of irradiated yeast to cows, such method of fortification shall be confined to cows in "certified milk" dairies.

(b) Where Vitamin D milk or milk products are produced by the addition of a concentrate of Vitamin D directly to the milk, such method of fortification shall be confined to the pasteurizing plant where the product was pasteurized, or the place where sterilized and packed in hermetically sealed containers.

(c) Where Vitamin D milk or milk products are produced by direct irradiation of the milk by means of ultra-violet light or carbon arc lamp rays, such method of fortification shall be confined to the pasteurizing plant where the product was pasteurized or the place where sterilized and packed in hermetically sealed containers except that direct irradiation of certified raw milk may be permitted at the place of production and bottling.

(Regulation 2 amended by resolution filed with City Clerk December 9, 1942 and published in The City Record December 11, 1942.)

Regulation 3. When Vitamin D milk or milk products are pasteurized or otherwise processed by heat for the destruction of bacteria, prior to its sale, such pasteurization or heat process must be performed after the milk or milk product has been irradiated or the Vitamin D concentrate added.

Regulation 4. Vitamin D unit defined; labeling.

1. The Vitamin D unit referred to in these regulations shall be taken to mean the International Unit of Vitamin D as set forth in the 11th issue of United States Pharmacopoeia and known as "U. S. P. XI unit."

2. Outer caps and labels on all containers of Vitamin D milk shall conform to the regulations for the labeling of milk and shall bear the words, "Vitamin D" and one of the following statements:

(a) "Produced by feeding of irradiated yeast and contains (here insert number of units) units per quart."

(b) "Produced by irradiation and contains (here insert number of units) units per quart."

(c) "Produced by addition of Vitamin D concentrate and contains (here insert number of units) units per quart."

3. In the case of Vitamin D condensed, evaporated, concentrated or modified milk in hermetically sealed cans, the label shall contain the aforesaid statement indicating the manner of production and the number of Vitamin D units together with the following additional statement:

"This will equal (here insert the number of units) U. S. P. XI units per quart when contents are mixed with an equal volume of water."

The statement on the cap or label of the number of Vitamin D units contained in the Vitamin D milk or milk product, as required in this regulation shall not be less than the minimum number of Vitamin D units stated in the application by the permittee under subdivision (d) of Regulation 1 herein.

(Regulation 4 amended by resolution, filed with City Clerk March 21, 1945 and published in The City Record March 26, 1945.)

Regulation 5. Samples to be taken; analysis at expense of permittee.

Samples of all Vitamin D milk or milk products produced or processed or brought into The City of New York by a permittee, or sold, offered for sale or distributed in said City, shall be collected by representatives of the Department of Health, at such times as the Commissioner of Health deems necessary, and such samples shall be submitted to a laboratory or laboratories designated or approved by the Department of Health to be tested or assayed for the amount and potency of Vitamin D in said milk or milk product at the expense of the permittee. Reports of these tests or assays, immediately upon their completion, shall be sent to and remain the property of the Department of Health. Every permit issued hereunder is issued upon the condition that the permittee will, immediately upon demand made by the laboratory making the analysis of this department, pay the expense of such analysis, the amount of which will from time to time be uniformly set for all laboratories approved by the Board of Health. Payment for such analysis must be made direct to the laboratory, and failure to make such payment shall be sufficient cause for revocation of the permit issued herein.

Regulation 6. Revocation of permit. A permit issued hereunder may be revoked in the discretion of the Board of Health for any violations of these regulations, the Sanitary Code or any other regulations adopted by the Board of Health relating to milk or milk products, or for such other cause as may be deemed sufficient by the Board of Health.

Regulation 7. All milk and milk products bearing any statement or representation that it possesses anti-rachitic quality or potency shall be deemed to be Vitamin D milk or milk products and shall be produced and labeled in accordance with these regulations.

(Effective June 1, 1935; adopted March 14, 1935.)

§155b. Homogenized milk; production, labelling and sale regulated.

No homogenized milk shall be held, kept, offered for sale or sold in The City of New York unless such milk was pasteurized and homogenized at the place of, and immediately before, pasteurization by a method approved by the Department of Health.

The tags, caps or labels on containers of homogenized milk shall bear the word "homogenized" in clear and legible type of not less than one-sixteenth (1/16) of an inch in size in addition to all the other information required thereon for pasteurized milk under the provisions of the Sanitary Code and the regulations of the Board of Health.

This section shall become effective immediately, except that the sale of homogenized milk in bottles or single service containers shall not commence before August 1, 1939.

(§155b, as added to Article 9, filed with City Clerk June 15, 1939 and published in The City Record June 17, 1939.)

§156. Milk and milk products regulated; grades and designations for milk and cream; goat's milk regulated.

1. Milk and milk products produced, pasteurized, transported, handled, or stored, in The City of New York, or for the purpose of being shipped or brought into the said City, any milk and milk products held, kept, offered for sale, sold, or delivered in said City, shall be so produced, pasteurized, transported, handled, stored, shipped, brought in, held, kept, offered for sale, sold or delivered in accordance with the regulations of the Board of Health, and in the case of milk and cream under the following grades and designations and not otherwise:

"Certified" milk or cream.

"Certified" milk or cream (pasteurized).

"Approved" milk or cream (pasteurized).

2. This section shall also apply to goat's milk, and all provisions in this article and the regulations of the Board of Health, relating to milk and cows, shall likewise apply to goat's milk and to goats respectively, except that labels on goat's milk shall bear, in addition to the information required for milk, the word "goat's" immediately preceding the word "milk."

(§156 amended by resolution filed with City Clerk August 13, 1942 and published in The City Record August 15, 1942.)

§156. Regulations governing the production, pasteurization, transportation, handling, storage, sale and distribution of milk and milk products intended for human consumption in The City of New York; standards and requirements of certified milk, skimmed milk, and cream (raw and pasteurized).

(As adopted December 19, 1917, with additions, amendments and repeals; compilation filed with City Clerk November 13, 1940; amended June 11, 1946.)

REGULATIONS GOVERNING THE PRODUCTION, PASTEURIZATION, TRANSPORTATION, HANDLING, STORAGE, SALE AND DISTRIBUTION OF MILK AND MILK PRODUCTS INTENDED FOR HUMAN CONSUMPTION IN THE CITY OF NEW YORK, AND RELATING TO SECTION 156 OF THE SANITARY CODE.

Regulation 1. Applications. Applications for permits to sell milk or milk products in The City of New York shall be made to the Bureau of Food and Drugs of the Department of Health upon official forms furnished for such purpose. Upon receipt of the application, the said Bureau shall take appropriate steps in order to determine whether or not the Regulations hereinafter set forth have been complied with. A report shall thereafter be made by the said Bureau to the Board of Health recommending the granting or denial of the application, as the case may be. Provided, however, no such application shall be recommended or approved until the source of the milk or milk products supply shall have been found to conform to the regulations governing the standards and requirements of such milk or milk products.

Regulation 2. Procedure governing the approval of the source of supply. Applications for approval of source of the milk or milk products supply shall be made to the Bureau of Food and Drugs of the Department of Health upon official forms furnished for such purpose. No creamery, shipping station, or pasteurization plant, or dairy delivering milk or milk products thereto, or dairy delivering milk or milk products direct to the consumer shall be approved as a proper source of supply until it shall have been, in each instance, inspected by a duly authorized agent of the Department of Health of The City of New York in order to determine if the sanitary requirements of these Regulations have been complied with and the milk and milk products produced and handled thereat shall have been found to conform in character to the standards and requirements of the particular grade and designation under which they are intended to be sold. Such application shall, after such inspection and examination having been made by the Bureau of Food and Drugs, be forwarded to the Board with an appropriate report recommending the approval or disapproval of the source of supply and the grade and designation of the milk and milk products. Provided, however, that the provision of this Regulation shall not apply to sources of milk or milk products supply approved by the Department of Health of The City of New York prior to December 19, 1917.

Regulation 2a. Shipping requirements.

1. All receiving stations which are approved as a source of milk or milk products supply for The City of New York, shall ship their milk receipts to said City for sale therein to the extent of such percentage of their total receipts and in such of the following forms as the Commissioner of Health of The City of New York shall from time to time determine, viz., fluid milk, fluid cream, sour cream, storage cream, milk drinks, condensed milk, cream for frozen desserts, ice cream mix, unripened soft cheese or cream cheese, or other milk products. In calculating compliance with the percentage of shipment required by the Commissioner under this paragraph, any milk shipped in the form of fluid milk or fluid cream (if the latter is permitted to be made) to the Counties of Westchester, Nassau and Suffolk in the State of New York, and Bergen, Passaic, Essex, Hudson, Union, Morris, Somerset and Middlesex in the State of New Jersey, shall be included as though shipped to The City of New York, provided, however, that the plant shipping such milk or cream shall have shipped fluid milk or fluid cream to these areas during the past two years and provided further that the amount so shipped into these areas by any plant in excess of its shipments of fluid milk or fluid cream into these areas for the corresponding period of 1944, shall not be included in calculating the percentage of shipment required.

2. Operators of receiving stations approved as a source of milk and milk products supply for The City of New York, shall on order of the Health Commissioner of The City of New York discontinue the manufacture of cream, butter, hard cheese, soft cheese, evaporated milk, storage cream, whole condensed milk, whole milk powder, butter oil, ice cream mix and other milk products or any of them, and also the shipment of milk for any such manufacture, and in place thereof shall ship their milk for sale and use only as fluid milk whenever and to the extent that the said Commissioner shall determine such discontinuance and shipment to be necessary to assure an adequate

supply of fluid milk to meet the bona fide needs of the consumers of New York City.

3. Operators of approved receiving stations shall furnish such milk utilization reports to the Department of Health of The City of New York, from time to time, as the Department may request.

4. In the event of the violation of any of the provisions of this Regulation 2a by the operator of a receiving station, the approval of such receiving station as a source of supply of milk products for The City of New York, may be suspended or rescinded by the Commissioner of Health subject to review by the Board of Health upon appeal by the party aggrieved in accordance with the rules of said Board. Dairies delivering milk to a receiving station so removed from the approved list shall be permitted to transfer to another approved receiving station.

(Adopted June 11, 1946; effective July 1, 1946.)

Regulation 3. Milk and milk products depots required; exception.

1. All holders of permits to sell milk and/or milk products in The City of New York, except the holder of a Class C permit as provided for in Section 155 of the Sanitary Code, shall maintain and operate a milk and/or milk products depot as herein provided. The holder of a Class C permit shall comply with the provisions of subdivision 4 herein as are applicable to such a permittee.

2. Milk or milk products depots, whether part of a pasteurizing plant or not, shall have a properly constructed refrigerating room having a floor area and height sufficient to store products in a sanitary manner satisfactory to the Department of Health. A refrigerating room constructed after August 1, 1939, shall have a floor area of at least one hundred (100) square feet, and no such refrigerating room shall be deemed sufficient unless all of the milk and milk products stored by the depot occupants may be placed in said room in such a manner as to allow for not less than a two (2) foot passageway between each four rows of stacked cases or cans.

3. Milk or milk products depots shall have a washroom, if milk or milk products are handled in bulk, and a milk handling room, if splitting of milk, or splitting, standardization or bottling of milk products, or dumping of such products from bottles, is performed. All such rooms shall be adequate in size, and drained, lighted, ventilated and constructed in accordance with the various regulations herein.

4. Two or more concerns engaged in the business of handling, processing, storing, offering for sale or selling milk or milk products shall not jointly share, occupy or use the same premises as a pasteurizing plant or milk and/or milk products depot, except under the following conditions:

(a) Concerns owned and operated by the same individual or partnership.

(b) Subsidiary or affiliate corporations, provided each corporation jointly sharing, occupying or using a pasteurizing plant or milk and/or milk products depot, shall file with the Department of Health a signed statement assuming jointly and severally legal responsibility for infractions of the Sanitary Code or regulations of the Board of Health found at the plant or the milk and/or milk products depot so jointly shared, occupied or used.

(c) Applicants for and holders of Class C permits described in Section 155 of the Sanitary Code, and when the following requirements for such dual occupancy are complied with:

1. Applicant for a Class C permit must file with the Department of Health at the time of his application a written authorization to use the facilities of a pasteurizing plant or a milk and/or milk products depot located in The City of New York and under permit from the Board of Health.

2. The applicant shall state at the time of his application the address where the vehicle used by him for the distribution of milk is stored.

3. The applicant must be a person of good character, of sufficient experience in the milk industry, and have been a bona fide independent individual milk distributor in this City prior to December 31, 1940. Provided, however, an exception to this last clause, in so far as the requirement for being a distributor before December 31, 1940, shall be made for an applicant who has purchased the established milk and/or milk products business conducted by a Class C permittee, in its entirety, and presents proof thereof and who otherwise complies

with the provisions herein. In every such instance, the Class C permit and the vehicle identification plates held by the person who sold his business shall be surrendered for revocation, and the seller shall not qualify again for a similar permit except upon purchase of an established milk and/or milk products business conducted by another Class C permittee in its entirety.

4. A holder of a Class C permit shall keep, at the plant or depot from which he operates, medical certificates for all milk handlers as required by Section 146 of the Sanitary Code, and separate daily records of the type, quantity and source of all products purchased, sold, stored and returned to such plant or depot.

5. In addition, a Class C permittee shall keep in his possession during working hours, a daily record of the name and address of each person to whom milk or milk products are sold, together with the amount sold.

6. Holders of Class C permits shall not transfer milk or milk products from one vehicle to another on the public highway or on open lots, or at a place other than at the plant or depot which has been reported to the Health Department as the regular source of supply, nor sell milk or milk products other than by means of regular delivery to established customers.

7. In cases of such dual occupancy or use, however, the holder of the permit conducting the pasteurizing plant or the milk and/or milk products depot shall be legally responsible for infractions of the Sanitary Code or regulations of the Board of Health found at the plant or depot so jointly shared, occupied or used with Class C permittees.

8. A holder of a Class C permit shall notify immediately the Department of Health by telephone, followed by written confirmation within twenty-four (24) hours, of any change in the plant or depot from which he operated, or of the place of storage of his delivery vehicle. The notice of change of such plant or depot facilities must be accompanied by a written authorization for use of the new pasteurizing plant or milk and/or milk products depot, and an application for a new permit and for transfer of the vehicle identification metal plates. In such case, the applicant shall pay a fee for the new permit and no charge shall be made for the transfer of the vehicle identification metal plates.

9. A dealer operating a pasteurizing plant or a milk and/or milk products depot shall notify immediately the Department of Health in writing of the voluntary or involuntary discontinuance of the use of the plant or depot facilities by any Class C permittee.

(Former Regulation 3 repealed June 18, 1940; present Regulation 3 adopted as Regulation 3a July 26, 1939, amended July 27, 1939, December 18, 1939; amended and renumbered as Regulation 3, June 11, 1940 and amended May 13, 1941.)

Regulation 4. Exclusion of source of milk or milk products supply.

Upon the receipt of a written report of a duly authorized agent of the Department of Health showing that the Regulations of the Board of Health have not been complied with and the milk or milk products from a particular source of supply have not been produced, pasteurized, transported, handled, stored, kept, offered for sale, or sold in accordance with the regulations hereinafter set forth, or such milk or milk products are a source of danger to the community, the Director of the Bureau of Food and Drugs is authorized and empowered to temporarily exclude such milk or milk products from The City of New York, and no person, firm or corporation shall bring into, sell, offer for sale, or distribute in said City any such milk or milk products after receiving a written notice from said Director notifying him of such exclusion. Upon the receipt of a written report of a duly authorized agent of the Department of Health showing the regulations of the Board of Health have been complied with said Director is further authorized and empowered to permit of the bringing in, selling, offering for sale, or distributing in said City of such milk or milk products, excluded as aforesaid, if in his opinion the Regulations have been complied with or the source of danger removed at any time after such exclusion. Provided, however, the said Director shall report in detail to the Board of Health every such exclusion and re-admission and the reasons therefor. The said Director of the Bureau of Food and Drugs, however, may delegate, in writing, such power to the Acting Director of the said Bureau for such period and to such extent as shall be specified in such delegation.

Regulation 5. Grading and designating milk and milk products; source of supply regulated.

1. No milk or milk products shall be graded or designated in a manner hereinbefore provided in these regulations until the source of supply of such milk or milk products shall have been, in each instance, approved by the Board of Health and graded and designated in accordance with such approval.

2. No person shall bring into The City of New York any milk or milk products nor shall any person have, keep, sell, or offer for sale at any place in The City of New York any milk or milk products, the source of supply of which has not been approved by the Board of Health.

3. This regulation shall not apply:

(a) To condensed milk, condensed skimmed milk, or ice cream mix, which has been sterilized and packed in hermetically sealed cans at the place of manufacture, nor

(b) To sweetened condensed milk or sweetened condensed skimmed milk to be used for manufacturing purposes only, provided it is shipped and kept in containers of a capacity not less than ten gallons and, if such containers are of metal, the outside surface of the upper half of the container including the cover is painted in a distinctive red color. The sweetened products referred to in clause (b), when in containers and not hermetically sealed, may be used for food manufacturing purposes only when such manufacturing involves the heating of the product to at least 200 degree Fahrenheit for a period not less than 15 seconds or its equivalent, but may not be used for the manufacturing of ice cream mix, frozen desserts, or milk products.

4. The above exceptions, however, shall not be construed as limiting the power and authority of the Department of Health to exclude milk or milk products which have been found to have been suspected of containing pathogenic bacteria or which have been found adulterated or misbranded or to contain an excessive number of bacteria, or which have been produced under insanitary conditions.

(Amended July 25, 1921, May 1, 1934 and October 15, 1940.)

Regulation 6. Procedure governing the bacterial control of milk and milk products. The bacterial standards established for a particular grade and designation of milk or milk products constitutes one of the controlling factors in determining whether such milk or milk products are produced, pasteurized, transported and delivered in accordance with these Regulations, and the Department of Health of The City of New York will exercise the control furnished by such standards in the manner and in conformity with the restrictions herein set forth. Periodical samples for bacteriological examination shall be taken of milk and milk products before and after pasteurization. If as a result of the bacteriological examination of such samples, it appears that the milk or milk products does not conform to the bacterial standards prescribed for the particular grade and designation of such milk or milk product, and the bacterial content is in excess of such standards, a written notification shall be sent to the person, firm, or corporation holding a permit from the Board of Health. Such written notification shall call attention to the fact that the bacterial content of such milk or milk product is in excess of the standards, that the cause of such excess must be immediately removed, and that additional samples will be taken of such milk or milk product within a specified time. Thereafter, and within the time specified in said written notice, additional samples shall be taken by the Department of Health and if the bacterial content of said milk or milk product is again found in excess of the prescribed bacterial standard and the cause thereof has not been removed, a second written notification shall be forwarded to such person, firm, or corporation, directing attention to such fact. Such written notification shall specify that further samples will be taken within a specified time and if such milk or milk product is again found to be in excess of the bacterial standard the Department of Health will take immediate steps to determine the cause thereof and, if it is found not to have been produced, pasteurized, handled, transported, offered for sale, and sold in accordance with these Regulations, to exclude such milk or milk product as graded and designated from The City of New York. The provisions of these Regulations shall not, however, be construed as limiting the power and authority of the Department of Health to exclude milk or milk products which have been found to have been suspected of containing pathogenic bacteria or which have been found adulterated or misbranded under the provisions of the Sanitary Code established by the Public Health Council of the State of New York or the Sanitary Code of the Board of Health of the Department of Health of The City of New York.

Regulation 6a. Communicable disease at dairy farms, plants, creameries, etc; general provisions.

No person affected with typhoid fever, para-typhoid fever, streptococcal sore throat including scarlet fever, diphtheria, or amebic or bacillary dysentery, shall be permitted on the premises of any dairy farm, pasteurizing plant, creamery, milk shipping station, or other place from which milk or milk products are shipped, either directly or indirectly to The City of New York, except in the case of certified dairy farms where the regulations or requirements as specified in "Methods and Standards for the Production of Certified Milk" adopted by the American Association of Medical Milk Commissions, Inc., are complied with, and, in the case of dairy farms other than certified dairy farms, where all the precautions and conditions as specified in Regulation 6b are observed and complied with.

No person who is a carrier of typhoid fever, para-typhoid fever or diphtheria shall be permitted on the premises of any dairy farm, pasteurizing plant, creamery, milk shipping station, or other place from which milk or milk products are shipped, either directly or indirectly, to The City of New York, unless the precautions and conditions mentioned in paragraph 4 of Regulation 6b of this section are observed.

Regulation 6b. Control of communicable disease on dairy farms; precautions and conditions to be observed.

1. This regulation shall not apply to certified dairy farms.

2. No milk or milk product shall be shipped from a dairy farm, either directly or indirectly, to any pasteurizing plant, creamery, shipping station or other place from which milk or milk products are shipped either directly or indirectly, to The City of New York, if there be on said dairy farm a person affected with typhoid fever, para-typhoid fever, streptococcal sore throat including scarlet fever, diphtheria, or amebic or bacillary dysentery, unless the health authorities of the state in which the dairy farm is located shall have theretofore agreed to accept responsibility, and in the opinion of the Board of Health of The City of New York, have a sufficient medical staff and necessary force, for the observance of the isolation precautions and conditions on dairy farms, as hereinafter mentioned in every case of typhoid fever, para-typhoid fever, streptococcal sore throat including scarlet fever, diphtheria, or amebic or bacillary dysentery, that may exist or occur on said dairy farm in their state.

3. Precautions and conditions to be observed of persons affected with any of the communicable diseases hereinbefore mentioned shall be as follows:

(a) That such milk is not brought into the house where such case exists.

(b) That proper isolation of the case of communicable disease has been instituted.

(c) That all milk is delivered to a plant in which it is

1. Pasteurized before delivery to the consumer, or

2. Made into evaporated milk, condensed milk, dried milk or cheese, in the processing of which the milk or the product undergoes heating equivalent to pasteurization.

(d) That a certificate of isolation, on a form prescribed by the Department of Health of The City of New York, signed by the health officer of the municipality or local health district in which the dairy farm is located, or by an official representative of the state board or department of health, shall be filed at the plant, creamery or shipping station to which milk or milk products are delivered.

(e) When the disease in question has been terminated by the death, removal from farm or recovery of the patient, and all known possible sources of infection are removed, the health officer, as aforesaid, will file a statement to such effect at the creamery, pasteurizing plant or shipping station to which milk or milk products are to be delivered.

4. Carriers of communicable disease on dairy farms; precautions and conditions to be observed. No milk or milk product from a dairy farm may be delivered either directly or indirectly to a creamery, pasteurizing plant or shipping station from which milk or milk products are shipped either directly or indirectly to the City of New York, on which farm a person found to be a carrier of typhoid fever, para-typhoid fever, or diphtheria resides or is employed, except when a permit for such residence or employment has been issued by the state health authorities in which such dairy farm is located or issued by the local health officer and countersigned by the official representative of the state health authorities, and the following precautionary measures are observed:

(a) Such permit shall be issued to the carrier or reputed carrier of the disease named in the permit and the residence and/or employment designated therein shall apply to the dairy farm named in said permit and to no other dairy farm.

(b) The health officer of the district in which the carrier resides shall instruct such carrier (or his or her guardian, in the case of a minor) regarding the precautions to be observed in preventing the spread of the disease in question.

(c) The local health officer shall visit the farm upon which the carrier resides or is employed not less than once in three months to observe if necessary if health precautions are being observed.

(d) The milk or milk product produced or handled on farm shall be delivered only to the creamery, pasteurizing plant or shipping station specified in the aforesaid permit, which creamery, pasteurizing plant or shipping station shall be located in the state in which the farm in question is located.

(e) The carrier will not engage in any activity involving milking or the handling of milk, milk products or dairy utensils, or enter the milk house, or the barns where the milk producing cows are kept.

(f) No milk or milk product which is to be subsequently delivered to the creamery, pasteurizing plant or shipping station shall be brought into the house occupied by the carrier.

In the case of a typhoid or para-typhoid fever carrier, the following additional rules shall also be observed:

(g) No changes shall be made in the source of the water supply, or in the system by which it is distributed on the farm except with the approval of the state health authorities.

(h) All other members of the carrier household except those who have had typhoid or para-typhoid fever, shall have been vaccinated against typhoid or para-typhoid fever.

(i) Privies and toilets shall be regularly cleaned and disinfected and otherwise so maintained that danger of infection is eliminated.

(j) The health officer of the district in which the farm is located will file at the creamery, pasteurizing plant or shipping station, to which milk or milk product is delivered, a certificate on a form which will be supplied upon application, by the Department of Health of The City of New York, stating that the required permit has been issued to the carrier and he will immediately notify the manager of said creamery, pasteurizing plant, or shipping station, when such permit is revoked or voided and will recover said certificate upon revocation or voiding of permit and forward it to the Department of Health of The City of New York.

(k) When a person found to be a carrier of typhoid fever, para-typhoid fever, or diphtheria, has been removed from a dairy farm and/or is no longer employed thereat, the health officer will issue a statement in duplicate to such effect, and the original thereof shall be forwarded by the manager of the creamery, pasteurizing plant or shipping station to the Department of Health of The City of New York and the duplicate kept on file at the creamery, pasteurizing plant or shipping station.

(Adopted November 21, 1933; amended September 12, 1944 and February 13, 1945.)

Regulation 7. Marking and numbering of vehicles.

1. Every person holding a permit to sell milk or milk products in this city, shall cause to be marked or inscribed clearly and legibly on both sides of all vehicles, used by said person, for the transportation of milk and milk products, the full name and address of said person, the number of the vehicle and in addition, the words, "Milk and Milk Products." If such person does not transport milk, then the words "Milk Products" may be used in lieu of the words "Milk and Milk Products." Where such person operates more than one vehicle, no two vehicles shall be numbered alike, and all such vehicles shall be consecutively numbered. All the markings or inscriptions herein referred to shall be of block letters at least four (4) inches in height and of a color contrasting to their background and shall be securely affixed to the vehicle by painting on wood or metal.

2. Every such vehicle, in addition to the aforesaid, shall have affixed securely to the right side of the vehicle, in such a manner as to be visible at all times, a Health Department metal plate issued for the current year.

3. No person shall use any vehicle for the transportation of milk or milk products unless such vehicle conforms with this regulation. Every such vehicle shall be kept in a clean and sanitary condition. *(Amended December 9, 1941.)*

Regulation 8. Inspection by operators. The operator of a creamery, shipping station or pasteurizing plant approved as a source of supply for the City of New York shall cause inspections for compliance with these rules and regulations to be made at least once a year of all dairies from which milk has been obtained. Such inspections shall be made by a competent person whose qualifications are acceptable to the Department of Health of the City of New York. Reports of the results of such inspections shall be made upon official dairy report forms approved by said Department. Such reports shall be filed in the creamery, shipping station, or pasteurizing plant to which such milk is delivered and shall remain so filed for a period of three years. (*Amended June 11, 1940.*)

STANDARDS AND REQUIREMENTS OF CERTIFIED MILK, SKIMMED MILK, AND CREAM (RAW AND PASTEURIZED).*

Regulation 10. Certified milk, skim milk, and cream to conform to standards. No milk, skimmed milk, or cream shall be labeled "Certified Milk," "Certified Skimmed Milk" or "Certified Cream," or "Certified Milk (Pasteurized)," "Certified Skimmed Milk (Pasteurized)" or "Certified Cream (Pasteurized)," unless:

- (a) It conforms to the requirements and standards set forth in the Sanitary Code of the City of New York and the regulations pertaining thereto,
- (b) It is approved by a milk commission officially recognized by the Board of Health of the City of New York and appointed by a medical society chartered by the Medical Society of the State of New York, and
- (c) It has been produced and handled in accordance with the regulations promulgated by said milk commission, which regulations have been filed with and approved by the Board of Health of the City of New York.

The provisions of the Sanitary Code and the regulations of the Board of Health shall not be understood to restrict the activities of the medical milk commissions, where the standards of said medical milk commissions exceed those required by the Board of Health.

Regulation 11. Official recognition of milk commission. Official recognition by the Board of Health of the City of New York of a milk commission for the purpose of control of certified milk, skimmed milk, and cream or for certified milk, skimmed milk, and cream (pasteurized), to be sold or distributed in the City of New York, as referred to in Regulation 10 of these regulations, shall not be granted unless such milk commission, through an authorized official, signifies in writing its purpose to enforce, by all reasonable means, the provisions of the Sanitary Code and the regulations pertaining thereto, and the regulations promulgated by said commission having reference to the production, handling and sale of certified milk, skimmed milk, and cream and to such products when pasteurized. Such milk commission shall file with the Board of Health for its approval, a copy of the regulations promulgated by it and any and all amendments thereto.

Regulation 12. Time of sale or delivery of certified milk, skimmed milk, and cream. No dealer shall have, keep, offer for sale, sell or deliver in the City of New York, any milk, skimmed milk, or cream of the designations "Certified Milk," "Certified Skimmed Milk" or "Certified Cream," or "Certified Milk (Pasteurized)," "Certified Skimmed Milk (Pasteurized)," or "Certified Cream (Pasteurized)" at any time later than 42 hours after midnight of the day of production. The day of production shall be taken to mean the milkings of any consecutive 24 hour period.

Regulation 13. Labeling of certified milk, skimmed milk, and cream. Outer caps on all bottles and tags on cans, containing certified milk, skimmed milk, or cream shall be of color, design and material, approved by the Department of Health of the City of New York and the milk commission which certified the product, and shall bear in a clear, legible and conspicuous manner the following information:

- (a) The grade and designation "Certified Milk," "Certified Skimmed Milk," or "Certified Cream," or "Certified Milk (Pasteurized)," "Certified Skimmed Milk (Pasteurized)," or "Certified Cream (Pasteurized),"
- (b) The name of the operator of the place of production and pasteurization,
- (c) The place of production and pasteurization,
- (d) The words "may be sold until 6 P.M. (here insert, in the case of caps on bottles, the day of the week, and in case of tags on cans, the date, giving

*Former regulations under similar sub title repealed and re-enacted, May 12, 1942.

the day of the month, month and year, when the 42 hour period following the day of production ends),”

- (e) The name and insignia of the milk commission which certified the product, and
- (f) In the case of cream, the words “Light Cream,” “Medium Cream” or “Heavy Cream,” in accordance with Regulation 52 herein.

No other word, statement or design, mark or device shall appear on the outer or inner cap, or on the tag, unless authorized and permitted by the Department of Health of the City of New York.

Regulation 14. Delivery to be made in bottles; exception. Certified milk, skimmed milk, and cream, and certified milk, skimmed milk, and cream (pasteurized) must be delivered to the consumer in bottles unless otherwise authorized and permitted by the Department of Health of the City of New York and the milk commission certifying the product.

Regulation 15. Sale of certified milk, skimmed milk or cream (raw) on physician's prescription only. No certified milk, skimmed milk or cream, other than “Certified Milk (Pasteurized),” “Certified Skimmed Milk (Pasteurized),” “Certified Cream (Pasteurized)” shall be sold or distributed in the City of New York except in those cases where a physician's statement, prescribing unpasteurized (raw) certified milk, skimmed milk or cream, is filed by the purchaser with the milk dealer. The physician's statement shall bear the date of issuance, the name and address of the consumer and shall be valid for one year from the date of issuance. Such statement shall be kept on file by the milk dealer and shall be open at all times to inspection by a representative of the Department of Health. (*Adopted June 8, 1943, effective January 1, 1944.*)

STANDARDS AND REQUIREMENTS OF APPROVED MILK, SKIMMED MILK, AND CREAM (PASTEURIZED).

Regulation 36. Milk, skimmed milk, and cream to conform to requirements and standards prescribed in regulations. No milk, skimmed milk, or cream shall be labeled Approved Milk, Skimmed Milk, or Cream (Pasteurized), respectively, unless the same shall have been found by the Department of Health of the City of New York to conform to the requirements and standards set forth in these regulations. (*Amended June 11, 1940; effective September 1, 1940.*)

Regulation 37. Cows to be physically examined. All cows on dairies producing milk, skimmed milk, and cream of this grade and designation must be in good physical condition. All such cows must be physically examined at least once in each year by a duly licensed veterinarian. All cows found after such physical examination to be unhealthy shall be immediately excluded from the dairy. No cow shall be added to the dairy herd unless it is in good physical condition. A certificate, signed by a duly licensed veterinarian, stating that the cow examined is free from disease so far as can be ascertained by the physical examination referred to herein, shall be filed with the Department of Health of the City of New York.

Regulation 38. Period of milking; food, cleanliness, and housing of cows. No milk of this grade and designation shall be drawn from cows within fifteen (15) days before or five (5) days after parturition; or from cows fed on distillery waste or any substance in a state of putrefaction, or on any unwholesome food; or from cows kept in a crowded or unhealthy condition; or from cows whose udders, teats, and flanks have not been washed with water or cleaned with a damp cloth shortly before milking.

Regulation 39. Cow stable. The cow stable shall be properly constructed, adequately lighted and ventilated, and maintained in good condition and repair so as to preserve the health of the cows. The walls, ceiling, floors, and drops of cow stable shall be maintained in a clean, sanitary condition and in good repair. Floors and gutters shall be constructed of concrete or other materials impervious to moisture and shall be graded to drain properly. Provided, however, that nothing contained in this regulation shall prevent the use of “pen-type” stables at a limited number of farms to be determined by the New York State Department of Health for experimental observations over a period of time not exceeding five years in accordance with such agreement as may be entered into between the Department of Health of the State of New York and the Department of Health of the City of New York. (*Amended October 15, 1940 and April 25, 1946.*)

Regulation 39a. Foremilk and unnatural milk; clipping of cows. The foremilk or first streams from each teat at each milking shall be rejected. This

foremilk shall be milked through a fine metal mesh or dark colored cloth strainer in a vessel other than the milk pail, for the purpose of detecting abnormal milk. It shall not be poured on to the floor or gutter of the stable. If milk from any cow is bloody, stringy or in any way unnatural, the milk from that cow shall be rejected until the milk regains the appearance and other characteristics of normal milk.

During the stabling season, hair shall be kept short on the udders and flanks of milking cows, also on the tail above the switch. The switch shall be cut to clear the ground or platform by at least four (4) inches, except that if it be not desirable to clip the switch of a pure bred animal then the switch shall be washed often enough to keep it clean, and it shall be clean at each milking.

(Adopted January 8, 1935.)

Regulation 40. Sterilization of utensils and containers. Adequate facilities for the sterilization of all utensils and containers used in the handling and storage of milk, skimmed milk, or cream shall be provided at the dairy unless adequate provision for such sterilization is made at the creamery or collecting station.

Regulation 41. Containers used in the handling and storage of milk, skimmed milk, or cream. All containers used in the handling and storage of milk, skimmed milk, or cream, must be of metal, with all inside seams soldered flush.

Regulation 42. Strainers. Strainers shall be so constructed that they can be readily cleansed after being used.

Regulation 43. Methods of cleansing utensils, apparatus, etc. All containers, receptacles, strainers, apparatus and other utensils used in the handling or transportation of milk or cream must be rinsed with clean water after being used, scrubbed with brushes and an alkaline solution and then with boiling water or steam, and all tank cars, storage tanks, tank trucks, bottles and cans used in the storage, handling or transportation of milk or cream may be cleansed by such other method of sterilization as may be specified and approved by the Commissioner of Health, and so stored and kept as to be free from contamination until again used. *(Amended August 8, 1928.)*

Regulation 44. Water supply. The water supply shall be uncontaminated, easily accessible, and sufficient for all purposes. The water supply shall be protected against surface drainage. No privy, cesspool, stable, pile of manure, or other source of contamination shall be located in such proximity to the source of water supply as to render contamination of the same possible.

Regulation 45. Milk house. A properly constructed, lighted and ventilated milk house shall be provided and used exclusively for the handling of milk, skimmed milk, or cream, and maintained at all times in a clean, sanitary condition. Doors shall be self-closing and unless other effective means are provided to prevent the entrance of flies, all openings shall be effectively screened. *(Amended February 11, 1941.)*

Regulation 46. Cooling tanks. Cooling tanks, constructed of cement, metal, or wood, of adequate size and such depth as to permit the water to rise to the necks of the cans, must be provided, unless other cooling facilities approved by the Department of Health of the City of New York are used. The water used for cooling purposes shall be clean and uncontaminated.

Regulation 47. Milking. The hands of milkers must be washed clean prior to milking and kept clean and dry during the process of milking.

Regulation 48. Temperature of milk. The milk must be cooled immediately after milking and maintained at a temperature of not more than sixty degrees (60°) Fahrenheit. Such milk must be delivered to the creamery or pasteurizing plant not later than Eleven A.M. Eastern Standard Time. Provided, however, morning's milk need not be cooled between the time of milking and the time of delivery to the creamery or pasteurizing plant if such delivery is made not later than Nine-thirty A.M. Eastern Standard Time. *(Amended June 11, 1940 and December 10, 1946.)*

Regulation 49. Milk, skimmed milk, or cream not to be contaminated. Milk, skimmed milk, or cream shall not be handled or stored in such manner and under such conditions as to subject it to contamination by dust, dirt, or flies; nor shall such milk, skimmed milk, or cream be handled or stored in close proximity to a privy, hog pen, or manure pile.

Regulation 50. Bacteria standards; methods of determination.

1. Milk, skimmed milk and cream of this designation shall not contain more bacteria per cubic centimeter than herein indicated:

	Milk and skimmed milk	Cream
<i>Raw</i>		
a. When produced in New York City.....	150,000	500,000
b. When produced outside of New York City and before pasteurization at country plant, or before shipment to New York City pasteurizing plant.....	150,000	250,000
c. After shipment from country plant to New York City and before pasteurization in said city.....	400,000	500,000
<i>Pasteurized</i>		
d. After pasteurization and when delivered to consumer	30,000	100,000

2. Flavored milk and flavored drink shall not contain more than 30,000 bacteria per cubic centimeter after pasteurization and when delivered to the consumer.

3. Bacteria counts to determine whether the above standards are complied with shall be made in accordance with the latest "STANDARD METHODS FOR THE EXAMINATION OF DAIRY PRODUCTS" of the American Public Health Association. Standard agar plate method shall be used, except that in the case of milk and cream before pasteurization, the standard direct microscopic method (counting clumps) may be substituted for the agar plate method.

(Amended June 11, 1940 and August 11, 1942.)

Regulation 51. Time of delivery and sale of milk, cream, flavored milk and flavored drink.

1. No milk, cream, flavored milk or flavored drink shall be delivered in the City of New York prior to the day or date when distribution may begin as indicated on the single service paper containers, or tags or caps attached to cans or bottles of such milk, cream, flavored milk or flavored drink except to a depot or pasteurizing plant of a wholesale dealer in milk or milk products; nor shall it be lawful to have, keep, offer for sale, sell or deliver any milk, flavored milk or flavored drink later than forty-eight (48) hours or any cream later than seventy-two (72) hours after 6 a.m. of the day or date when distribution may begin as indicated on the single service paper containers, or tags or caps attached to cans or bottles of such milk, cream, flavored milk or flavored drink.

2. The provisions of this regulation shall not apply to:

- (a) Sour cream, buttermilk, cultured buttermilk, fermented milk or fermented skimmed milk;
- (b) Flavored milk or flavored drink when sterilized in the final sealed container;
- (c) Cans of milk or cream in the possession of a wholesale dealer, if labeled "For Manufacturing Purposes Only," nor to milk or cream on the premises of a manufacturer of cheese, ice cream, confectionery or any other food product to be used for the manufacture of said products. If the said manufacturer uses the same premises for the sale of milk and cream, then the aforesaid exception shall apply only when the milk or cream is labeled "For Manufacturing Purposes Only."

(Amended August 11, 1942 and March 14, 1944.)

Regulation 52. Cream; designations and butter fat content regulated.

Cream which is held, kept, sold or offered for sale or delivered in the City of New York, shall be designated either as "light cream," "medium cream" or "heavy cream" and contain butter fat in the following amounts:

- Light cream must contain at least 18% of butter fat;
- Medium cream must contain at least 25% of butter fat;
- Heavy cream must contain at least 36% of butter fat.

Sour cream shall be designated in the same manner as cream but with the word, "sour," inserted before the word, "cream," and shall contain the same amount of butter fat as required for said respective designations.

(Former Reg. 52 repealed; present Reg. 52 adopted June 11, 1940, effective September 1, 1940.)

Regulation 53. Health of employees. No person affected with any infectious, contagious or communicable disease, or who resides, boards, or lodges in a household where he comes in contact with any person affected with any such disease, or who is a carrier of the disease germs of typhoid fever, scarlet fever, diphtheria, tuberculosis, septic sore throat, poliomyelitis or dysentery, shall handle or be permitted to handle the milk, skimmed milk, or cream, or the milk, skimmed milk, or cream utensils in any manner whatsoever.

Regulation 54. Pasteurization and bottling of milk and milk products.

1. Whenever the word "Pasteurized" or "Pasteurization" is used in these regulations or in any other regulations relating to milk, cream, or other milk products, it shall be taken to mean and include:

- (a) Milk or milk products, every particle of which has been heated to a temperature of not less than one hundred and forty-three degrees (143°) Fahrenheit and held at such temperature for not less than thirty (30) minutes and thereafter immediately cooled to a temperature of at least fifty degrees (50°) Fahrenheit by equipment and methods approved by the Department of Health, or
- (b) Milk or milk products, every particle of which has been heated to a temperature of not less than one hundred and sixty degrees (160°) Fahrenheit and held at such temperature for not less than fifteen (15) seconds and thereafter immediately cooled to a temperature of at least fifty degrees (50°) Fahrenheit by equipment and methods approved by the Department of Health.

The cooling provisions of paragraph (a) and (b) shall not apply to sour cream, cultured buttermilk, buttermilk and fermented milk products.

2. No milk or milk product shall be labeled as pasteurized unless it shall have been produced, handled, and pasteurized in conformity with the provisions of these regulations.

3. Bottles or single service containers shall be filled with such milk or milk products at the place of, and immediately after pasteurization, except that in the case of sour cream, buttermilk and cultured buttermilk, the filling process may take place at a milk or milk products depot under permit from the Board of Health.

(Amended June 11, 1940 and August 11, 1942.)

Regulation 55. Milk containing high butter fat, regulated.

1. In addition to other labeling requirements, milk containing at least 4.2 per cent butter fat may have such fact indicated on the tag attached to the can, on the outer cap of the bottle and on the single service container, as the case may be, in the following manner: "At least 4.2 per cent butter fat."

2. Milk labeled as permitted in subdivision 1 hereof must contain at least 4.2 per cent butter fat.

(Former Reg. 55 repealed; present Reg. 55 adopted June 11, 1940, effective September 1, 1940.)

Regulation 56. Milk from tuberculin tested cows. No milk and milk products shall be brought into the City of New York, or held, kept, sold, or offered for sale or delivered in said city, unless produced from cows which have been found free from tuberculosis following a tuberculin test made in accordance with the "Regulations Governing the Making of Tuberculin Tests," and relating to Section 13 of the Sanitary Code.

(Former Reg. 56 repealed December 14, 1937; present Reg. 56 adopted June 11, 1940, effective September 1, 1940.)

Regulation 57. Maintenance and operation of creameries, shipping stations and pasteurizing plants. Every creamery, shipping station and pasteurizing plant, and every dairy selling milk or dairy products to the consumer, must be conducted, maintained and operated in accordance with the Regulation Governing the Conduct, Maintenance, and Operation of such Creameries, Shipping Stations, and Pasteurizing Plants.

Regulation 58. Clean, washable outer garments to be provided. Clean, washable outer garments shall be provided and worn by all persons handling milk or milk products.

Regulation 59. Milking stools. Milking stools shall be so constructed as to be readily cleansed and shall be kept clean at all times.

Regulation 60. Cow yard. A properly graded and drained cow yard, conveniently located, shall be provided.

Regulation 61. Mechanical milking machines. Where mechanical milking machines are used for milking cows, such machines shall be of such type and construction that they can be taken apart and all the parts readily cleansed and sterilized. Every such machine shall be properly cleansed after being used and no such machine shall under any circumstances be used a second time unless it shall have been, after the previous use thereof, so cleansed.

ADDITIONAL REGULATIONS GOVERNING THE PRODUCTION, TRANSPORTATION, SALE AND DISTRIBUTION OF SKIMMED MILK*

Regulation 70. Production of skimmed milk. Skimmed milk must be separated by mechanical means from milk which has been produced and handled in accordance with the provisions governing milk. Unless skimmed milk is pasteurized or used for manufacturing immediately after separation, it shall be cooled at once to at least fifty degrees (50°) Fahrenheit and maintained at such temperature until processed.

Regulation 71. Handling and storing. No skimmed milk shall be handled, kept, stored, pasteurized or used in a room used for handling, keeping, storing or pasteurizing whole milk except that sealed containers of skimmed milk may be stored with containers of milk in refrigerating rooms or cabinets.

Regulation 72. Pasteurization of skimmed milk, pasteurization and other provisions applicable to milk to apply.

(a) Skimmed milk intended for fluid consumption or for the preparation of other milk products shall be pasteurized.

(b) Whenever skimmed milk is pasteurized it shall be performed in accordance with the provisions of Regulations 54 and 129 herein and shall be immediately cooled to fifty degrees (50°) Fahrenheit and maintained at such temperature until delivered to the consumer or used for manufacturing purposes.

(c) Skimmed milk separated from pasteurized milk may not be used or sold except for manufacturing purposes other than for milk products, and the containers of such skimmed milk shall be labeled "Skimmed Milk for Manufacturing Purposes Only."

(d) No raw skimmed milk or skimmed milk separated from pasteurized milk shall be used for the manufacture of any food product in New York City unless the manufacturing process includes pasteurization or a heat treatment at least equivalent to pasteurization.

(e) The regulations governing the production, pasteurization, transportation, handling, storage, sale and distribution of milk and Sanitary Code provisions relative to milk shall apply to skimmed milk except where inconsistent with these additional skimmed milk regulations.

Regulation 73. Chemical standards. The milk solids contents of skimmed milk must conform to the requirements of the New York State Agriculture and Markets Law. However, skimmed milk intended for fluid consumption shall not contain more than three-tenths of one per centum of butter fat.

Regulation 74. Containers. Cans used in the transportation or storage of skimmed milk shall be of twenty or forty quart capacity and shall be painted a bright yellow color. When skimmed milk is stored in tanks, or placed, kept or transported in tanks attached to trucks, such tanks shall have conspicuously displayed on each side thereof a sign with the words "Fluid Skimmed Milk," in letters of Gothic design not less than four inches in height, painted in a color contrasting to the background thereof. A similar sign shall be placed on the outside of railroad cars transporting skimmed milk in tanks.

Regulation 75. Labeling and sealing of containers.

(a) Raw skimmed milk brought into the City of New York shall be tagged, and cans and tanks used for the transportation of skimmed milk shall be sealed, in accordance with the provisions for raw cream in Regulation 159 herein except that in lieu of the words "Raw Cream" on the tag, the designation "Raw Skimmed Milk" shall be shown in letters not less than one-half inch in height.

(b) Pasteurized skimmed milk in cans, bottles, and single service containers shall be labeled in accordance with the provisions of Regulations 154 and 155 herein, except that the outer caps on the bottles and the tags on cans shall be of bright yellow color, and, in lieu of the words "Approved Milk (Pasteurized)" as contained in Regulation 155, the designation "Approved Skimmed Milk (Pasteurized)" shall be used. In the case of single service containers of skimmed milk two bright yellow colored bands, each one-half inch wide and one-half inch apart, shall be printed around the lateral surfaces of the containers with the words "Skimmed Milk" between the bands on opposite sides of the containers.

Regulation 76. Manifest, bill of lading or bill of sale. For each lot or shipment of raw skimmed milk the shipper shall prepare in triplicate a mani-

*(Ed. Former §173 and regulations relating to skimmed milk repealed, and new regulations under the above subtitle adopted, November 14, 1941, effective January 1, 1942.)

fest, bill of lading or bill of sale in which shall be stated an identifying number of the lot or shipment, the date of shipment, the number of containers in such lot or shipment, the number of quarts of raw skimmed milk in each container, together with the name and address of the shipper and consignee legibly set forth in writing thereon. One copy shall be retained by the shipper and two copies shall accompany the shipment. One of the latter two copies shall be delivered to the consignee at the time and place of delivery and the other retained by the carrier. The shipper at the place of shipment, the consignee at the place of delivery and the carrier at his place of business, shall keep on file their respective copies of the manifest, bill of lading or bill of sale for a period of six months and these shall be readily accessible and open for inspection by a representative of the Department of Health.

Regulation 77. Records.

(a) Daily records shall be kept at the place of separation showing the number of quarts of skimmed milk prepared, the name and address of every consignee, the number of quarts shipped to every consignee, the date of shipment and the identifying number of the lot or shipment mentioned in Regulation 76.

(b) Where skimmed milk is received at an approved milk pasteurizing plant, or a frozen desserts manufacturing plant, or a manufacturing plant using skimmed milk for manufacturing purposes, daily records shall be kept showing the date of receipt, the number of quarts received, the name and location of source, the identifying number of the lot or shipment mentioned in Regulation 76, the quantity utilized and the manner of disposition.

(c) The aforesaid records shall also indicate the number of quarts of skimmed milk on hand at the beginning and at the end of each day's operation.

(d) The records required in this regulation shall be made in ink, and kept on file for a period of six months and shall be readily accessible and open for inspection by a representative of the Department of Health.

REQUIREMENTS GOVERNING MAINTENANCE AND OPERATION OF CREAMERIES, SHIPPING STATIONS AND PASTEURIZING PLANTS

Regulation 108. Rooms to be adequately lighted and ventilated. Every room shall be adequately lighted and ventilated.

Regulation 109. Floors. All floors shall be watertight, properly graded and drained, so as to discharge into a public sewer, properly constructed cesspool or septic tank, or conveyed by drains to a point at least five hundred feet (500') from the building. Every such floor shall be kept in sanitary condition and in good repair.

Regulation 110. Walls and ceilings. The walls and ceilings shall be tight and clean.

Regulation 111. Doors and windows. All doors must be provided with self-closing devices. Unless other effective means are provided to prevent the access of flies, all openings into the outer air shall be effectively screened. (*Amended February 11, 1942.*)

Regulation 112. Lavatories and toilet facilities. An adequate lavatory shall be provided in a separate room in each such establishment together with a sufficient number of individual towels of paper or other material, with basins and faucets and an adequate supply of running hot and cold water, together with an adequate supply of soap. Suitable toilet facilities shall be provided in the lavatory for the use of employees, but no watercloset shall communicate directly with any room used for handling milk or milk products, or with any room in which utensils are washed. Employees must wash their hands after each use of the toilet. (*Amended June 11, 1940; effective September 1, 1940.*)

Regulation 113. Rooms to be used in receiving and dumping milk. A separate room shall be provided for receiving and dumping milk. An exception may be made where the receiving and dumping milk platform is entirely enclosed in the creamery building and the creamery is of such construction that there are no openings to the outer air except necessary ventilators, screened windows, doors for human ingress and egress and a port of appropriate size through which farmers' milk in forty quart cans may be received on an automatic conveyor and not more than two similar ports through which empty cans and reject milk may be passed out of the building, provided (1) that no milk be exposed to the air at any time after being poured into the receiving tank, (2) shipments of products from the building be confined to raw milk in tank

trucks or tank cars, (3) that a hood ventilator, sufficient to carry all the steam and odors to the outside air, be installed over the can washing apparatus. (*Amended July 10, 1935.*)

Regulation 114. Separate room to be provided for washing utensils. A separate room for washing, cleaning and sterilizing receptacles shall be provided.

Regulation 115. Milk or milk products not to be handled in room used for living purposes. No stable and no room used for living or domestic purposes shall communicate directly with any room in which milk or milk products are handled or in which utensils are washed.

Regulation 116. Water Supply. The water supply shall be uncontaminated, easily accessible and sufficient for all purposes. The water supply shall be protected against surface drainage. No privy, cesspool, stable, pile of manure or other source of contamination shall be located in such proximity to the source of the water supply as to render contamination of the same possible.

Regulation 117. Construction of apparatus. All weigh cans, storage vats, mixing vats, pumps, pipes and other apparatus must be of sanitary construction, all angles and joints being smoothly soldered. They must be provided with closely fitting metal covers of similar construction. All pumps and pipes must be so arranged that they can be taken apart for cleaning. The use of tightly soldered elbow joints is prohibited.

Regulation 118. Washing facilities for cans and bottles to be provided. Adequate facilities for the sterilization of all utensils and containers used in the handling and storage of milk and milk products shall be provided.

Regulation 119. Racks or can dryers must be provided. Racks, constructed preferably of metal, must be provided for the storage of washed cans in an inverted position until filled, unless dryers are employed during the sterilizing of cans and can covers.

Regulation 120. Washed bottles to be inverted. All washed bottles must be stored in an inverted position until filled, and must be so protected as to prevent contamination.

Regulation 121. Surface coolers to be protected. Surface coolers must be provided with suitable metal covers unless located in a room used for no other purpose.

Regulation 122. Smoking and spitting prohibited. Smoking and spitting within the building is prohibited.

Regulation 123. Oil cup or pan to be provided under bearings for shafting. All bearings for shafting must be provided with suitable oil cups or pans.

Regulation 124. Storage of single service containers, caps, and stock for making, parchment paper and tags.

1. Single service containers for milk or milk products and paper stock for making of these containers, caps and stock for the making of caps, intended for use on bottles or single service containers of milk or milk products, and parchment paper intended for use between the milk or milk product and the cover of cans, must be kept and stored in such a manner as to be, at all times, protected against contamination. The first cap of a tube of caps and the top parchment paper of each package thereof, shall be discarded at the start of each operation.

2. Caps intended for bottles or single service containers and tags intended for cans, of milk or milk products, shall be kept and stored at no place other than the place of pasteurization, bottling or filling as indicated on such caps and tags. Except when being affixed to the containers, caps and tags shall be kept and stored in a locked room or compartment and the key for such room or compartment shall remain in the custody of the person in charge of the plant or depot. (*Amended March 14, 1939, September 9, 1941.*)

Regulation 125. Garments worn by employees. Clean, washable, outer garments shall be provided and worn by employees while handling milk or milk products.

Regulation 126. Apparatus to be cleansed and sterilized. All weigh cans, storage vats, mixing vats, pumps, pipes and other apparatus used in handling, storing or processing milk or milk products must be thoroughly cleansed and sterilized immediately after use. If such apparatus is not re-used

within one hour after such cleansing and sterilization the apparatus shall be again sterilized immediately prior to use. (*Amended October 15, 1940.*)

Regulation 126a. Process of cleansing. Process of cleansing tanks, vats, apparatus, utensils and containers other than bottles used in the handling, storage or transportation of milk or milk products shall be performed as follows:

Preliminary Cleansings: Following each use, tanks, vats, apparatus, utensils and containers other than bottles shall be rinsed with water, until all visible milk or cream has been removed from surfaces with which milk or milk products come in contact.

After such rinsing, all such surfaces shall be subjected to thorough washing, using water at temperature not lower than 110 degrees Fahrenheit, and effective washing compound in concentration sufficient for removal of all dirt and grease detectable by sight or touch, the solution of washing compound to be accompanied by scrubbing with a brush, except that an effective pressure spraying device, in lieu of a brush, may be used in the washing of cans. After such washing, all such surfaces shall be rinsed with warm water, until all traces of the washing compound are removed and the surfaces are clean. The use of steel wool, or similar substance for washing and scrubbing such surfaces, is prohibited. Immediately after each cleansing and rinsing, surfaces of tanks, vats, apparatus, utensils and containers shall be sterilized in accordance with provisions of Regulation 126c.

No such tanks, vats, apparatus, utensils and containers other than bottles shall be used at any time for milk or milk products unless same are in a clean, sanitary condition and have been sterilized.

Regulation 126b. Cleansing of bottles.

1. When the soaker type of washer is employed, bottles which are designed and intended to hold milk or milk products shall be washed by filling and completely submerging them in a solution of caustic alkali (sodium hydroxide of not less than 2% concentration) or an equally efficient and approved detergent and sterilizing agent for a period of not less than seven minutes, during which period such solution shall be maintained at a temperature of not less than 150° F. While in contact with this detergent and sterilizing agent, such bottles shall be either thoroughly brushed or properly sprayed or subject to air water pressure spray of suitable type. Such bottles shall then be rinsed with clean water and sterilized as provided in these regulations.

2. Wherein such bottles are cleansed by hand or device other than the soaker type of washer, bottles must be soaked in or sprayed with water of temperature of not less than 120° F. containing an alkali or other approved detergent. These bottles shall then be cleansed by means of friction with brush, or with water and air pressure apparatus of suitable type, using an effective washing compound in concentration sufficient for the removal of dirt and grease detectable by sight or touch followed by a rinse to remove all traces of such washing compound. Such bottles shall then be rinsed with clean water and sterilized as provided in these regulations.

No bottle or other container for milk or milk products shall be used unless same is in a clean and sanitary condition and has been sterilized.

Regulation 126c. Sterilization of apparatus, containers, etc. Sterilization of all apparatus, including tanks, vats, coolers, filters, separators, pumps, pipes, pasteurizing apparatus, bottles and other containers, shall be performed as follows:

(a) Exposure of all surfaces to live steam, under pressure, for not less than two (2) minutes.

(b) Exposure of all surfaces to water of temperature not less than 180 degrees F., for a period of two (2) minutes or longer.

(c) Application to surfaces of a chlorine solution, of strength herein indicated for the period of time specified.

(d) Wherein heat sterilization is used for the sterilization of bottles used for milk or milk products, other than by steam jets projected into bottles, sterilizing apparatus must be equipped with an automatic temperature recording device, which will indicate and record temperature at which bottles are sterilized.

All such temperature records must be kept on file at plant, or place where bottles are sterilized for a period of sixty (60) days.

(e) Strengths of solutions and time of exposure required for chlorine sterilization: For tanks, including those mounted on railroad and automobile trucks, wherein chlorine sterilization solution is applied by spraying, two hundred and fifty (250) parts of available chlorine by weight

per million parts of water after application for not less than five (5) minutes. For containers, apparatus and utensils, other than tanks and bottles, wherein chlorine sterilization solution is pumped or allowed to flow over surfaces to be sterilized, and its contact therewith is continuous, at least one hundred (100) parts per million in solution after application for not less than two (2) minutes. For bottles, (a) if washed by hand or in "pressure type" washers, at least fifty (50) parts per million for not less than fifteen (15) seconds, (b) if previously cleaned and sterilized in a "soaker type" washer, at least ten (10) parts per million in solution, after application for not less than ten (10) seconds.

(f) Wherein apparatus or equipment, including tanks, vats, coolers, filters, separators, pumps, pipes, pasteurizing apparatus and other equipment employed in the handling, storing, or processing of milk or milk products are not re-used within one hour after they are rinsed, washed and sterilized, such apparatus shall be again sterilized immediately prior to such re-use. (*Subd. (F) amended June 11, 1940, effective September 1, 1940.*)

Regulation 126d. Preparation of chlorine solution. Vessels or containers used for preparation, or storage of chlorine solutions shall not be constructed of wood, metal or other substance readily affected by such solution. Chlorine solutions shall be prepared by dissolving in water, sufficient liquid chlorine, calcium or sodium hypochlorite, or similar chlorine compound, to give at all times the content of available chlorine herein prescribed, as indicated by the orthotolidine test or starchiodide titration. Equipment and materials for the performance of the orthotolidine test or starchiodide titration shall be constantly available and used regularly. Re-use of chlorine solution: A chlorine solution shall not be used more than once in the sterilization of containers, apparatus or utensils used in the handling, storage or transportation of milk or milk products, except where the strength of available chlorine is maintained, as outlined above, but such used or spent chlorine solution may be employed for treating floors, walls or other structural parts. (*Adopted July 6, 1932.*)

Regulation 127. Cooling of milk. All milk received must be immediately cooled to a temperature of fifty degrees (50°) Fahrenheit or less and maintained thereat. Provided, however, that the provision of this Regulation shall not apply to milk which is pasteurized immediately upon receipt.

Regulation 128. Dairies delivering milk and milk products direct to consumer.

(*Repealed June 11, 1940.*)

Regulation 129. Additional regulations for pasteurizing plants.

Plants where milk or milk products are pasteurized shall comply with the following in addition to other regulations:

a. Each pasteurization system shall be equipped with accurate indicating thermometers and automatic temperature recording devices. These devices shall be constructed and maintained in a manner satisfactory to the Department of Health.

b. When the high-temperature, short-time pasteurization is used the system shall be equipped with a flow diversion valve and a flow diversion control bulb. The flow diversion valve shall be kept in proper working order and adjustment so that the valve will immediately divert the flow of milk or milk products for reheating when the temperature of the milk or milk products at the flow diversion control bulb reaches 160½ degrees Fahrenheit during descending temperatures and will not permit forward flow of milk or milk products past the flow diversion control bulb until a temperature of 160½ degrees Fahrenheit is reached during ascending temperatures. The flow diversion control bulb in each high-temperature, short-time pasteurization system shall be so placed that any milk or milk products passing by the bulb will be held for at least fifteen (15) seconds at not less than 160 degrees Fahrenheit as determined by tests approved by the Department of Health.

c. Each pasteurization system shall be so constructed and maintained as to prevent any unpasteurized milk or milk products from mixing with pasteurized milk or milk products.

d. All equipment used in the handling and pasteurization of milk or milk products shall be free of water or any other fluid before milk or milk products are permitted to enter the equipment.

e. Immediately after pasteurization and cooling, all milk or milk products shall be placed in clean, sterilized bottles or single service paper containers which shall be properly capped or closed by mechanical apparatus, or in clean,

sterilized cans which shall be covered in such a manner as to protect the product against contamination.

f. No milk or cream shall be pasteurized a second time except in the process of manufacturing other products, in the case of cold storage (frozen) cream, and in such other cases where so indicated in these regulations.

g. Operators of pasteurization plants for milk or milk products, located in the City of New York, shall adopt daily periods during which milk or milk products shall be pasteurized and shall certify such period in writing to the Department of Health, stating the hour when pasteurization is started and the hour when pasteurization is completed daily. Where any change is made in the pasteurization period originally adopted, the operator must notify the Department of Health immediately in writing.

h. Each automatic temperature recording device shall have properly attached thereto for each day's operation, a chart for the recording of the temperature and the time of processing. Each such chart shall contain the following information legibly written in ink:

1. Name and address of plant.
2. Date of pasteurization.
3. If there is more than one pasteurization apparatus in the plant, the identity of the recording thermometer by number or location of the pasteurization apparatus to which it is attached.
4. The temperature as shown by a correct indicating thermometer at some designated time during the holding period of one pasteurization operation in the case of the holding method or during the forward flow in the case of the high-temperature, short-time method.
5. Weekly statement of the time accuracy of the recorder. (This information shall be sufficient if indicated on one of the charts used during each week.)
6. Amount and character of product pasteurized.
7. Explanation of unusual occurrences.
8. Signature of person in actual charge of pasteurization operations. Items 1, 2 and 3 shall be shown on the chart before being placed in the temperature recording device. All charts are to be kept on file at the plant for a period of at least sixty (60) days. (*Amended December 27, 1923, January 10, 1928, and further amended June 11, 1940, effective September 1, 1940.*)

REQUIREMENTS GOVERNING THE USE OF DIRT TESTER.

Regulation 135. Dirt tester. A dirt tester, approved by the Department of Health of the City of New York, shall be used in all creameries or pasteurizing plants shipping milk to the City of New York. (*Amended June 26, 1928.*)

Regulation 136. Milk to be tested. All milk received at any creamery or pasteurizing plant shipping milk as aforesaid shall be tested thereat by the person having the management and control of such creamery or pasteurizing plant at least once a week, the record of the results of such tests to be posted in a conspicuous place in the creamery or pasteurizing plant. (*Amended June 26, 1928.*)

Regulation 137. Standards of tests. A photograph or gauge established by the Board of Health of the City of New York must be used as a standard in the creameries or pasteurizing plants herein referred to in determining whether the milk contains excessive dirt. (*Amended June 26, 1928.*)

Regulation 138. Milk below standard. Where the maximum of dirt, according to the standard, is shown in two or more tests to exist in milk officially tested by the Department of Health, at any creamery or pasteurizing plant, it will constitute sufficient cause to exclude such milk from sale within the City of New York. (*Amended June 26, 1928.*)

Regulation 139. Method of making dirt test. The can of milk to be tested must not be unnecessarily agitated prior to the test. All of the milk in the can except three (3) quarts must be carefully poured from the can. The remaining three (3) quarts must be stirred with a pint dipper and a pint of this milk dipped and poured into the dirt tester. (*Adopted June 26, 1928.*)

REQUIREMENTS GOVERNING THE SALE AND DISTRIBUTION WITHIN THE CITY OF NEW YORK OF MILK, SKIMMED MILK, CREAM, SOUR CREAM, BUTTERMILK, CONDENSED OR CONCENTRATED MILK, CONDENSED SKIMMED MILK AND MODIFIED MILK.

Regulation 140. Milk or milk products not to be stored in stables or other insanitary places. Milk or milk products shall not be handled, stored,

offered for sale or sold in any stable; room used for sleeping purposes; or in any room or place which is dark, damp, poorly ventilated or insanitary.

Regulation 141. Watercloset compartments. The door or doors of the watercloset compartment shall be self-closing. Where the watercloset is in direct communication with the room in which food is prepared or stored, if required by the Department of Health, a suitable and properly lighted vestibule shall be provided. The door of vestibule shall be self-closing. All watercloset fixtures, watercloset compartments and vestibules shall be maintained in a clean and sanitary condition and in good repair. Every watercloset compartment, except when provided with mechanical means of ventilation, shall have a window at least one foot by three feet between stop-beads opening to the external air and the entire window shall be made so as to readily open, or an opening connected with the external air measuring at least 144 square inches for each watercloset or urinal, with an increase of 72 square inches for each additional watercloset or urinal.

Regulation 142. Insanitary condition. Milk or milk products shall not be sold or stored in any room which is dark, poorly ventilated or dirty or in which rubbish or useless material is allowed to accumulate or in which there are offensive odors.

Regulation 143. Milk and milk products vessels to be protected. All vessels containing milk or milk products must be provided with suitable covers and kept covered so as to protect the milk or milk products from dust, dirt, flies and other contamination.

Regulation 144. Milk or milk products not to be transferred on street. Milk or milk products shall not be transferred from one container to another on any public highway or ferryboat.

Regulation 145. Ice tub or ice box to be provided. Vessels in which milk or milk products are held for sale shall be kept in a tub, properly iced, or in an ice box or refrigerator in which these or similar articles of food are stored. Every such tub, ice box or refrigerator shall be maintained in a clean, sanitary condition.

Regulation 146. Containers to be cleaned and sterilized. All containers in which milk products are stored, handled, transported or sold must be properly cleansed and sterilized after being used and no bottles, vessels or containers shall under any circumstances be used a second time unless they shall have been, after the previous use thereof, so cleansed and sterilized. Such cleansing and sterilizing shall not be done, nor shall any containers be filled in any stable, in any room used for sleeping purposes or in any room having a direct connection with such stables or rooms or with watercloset compartments unless such watercloset compartments conform to Regulation 141 of these Regulations. (*Amended October 15, 1940.*)

Regulation 147. Bottles, vessels and containers collected from infected premises to be kept separate. Bottles, vessels and containers in which milk or milk products were held, collected from premises in which a case of infectious disease exists or has existed, shall be kept separate and apart from other bottles, vessels and containers used for such purpose until the same shall have been properly cleansed and sterilized.

Regulation 148. Worn or badly rusted receptacles. All cans, vessels or containers used in the transportation, sale or delivery of milk or milk products, when found to be in a worn out, badly rusted condition or with rusted inside surface or in such condition as to render it impossible to properly cleanse and sterilize same, shall be condemned by Inspectors of the Department of Health. Every such can or receptacle when so condemned shall be marked by a stamp, impression or device showing that it had been so condemned, and when so condemned shall not thereafter be used by any person for the purpose of selling, delivering or shipping milk or milk products.

Regulation 149. Drain pipes from refrigerators; to discharge into open sink; exceptions. No drain pipe from a refrigerator shall be connected with the soil or waste pipe, but it shall discharge into a properly trapped, sewer-connected, open sink which shall be kept properly cleansed, except where another method of drainage has been approved by the Department of Health. Provided, however, that the drain pipe from an ice-box or other refrigerated container using ice, which has a food storage capacity not greater than five (5) cubic feet, may discharge into a pail or other water-tight receptacle. (*Amended June 9, 1936.*)

Regulation 150. Health of employees. No person affected with any infectious, contagious or communicable disease or who resides, boards or lodges in a household where he comes in contact with any person affected with any such disease, or who is a carrier of the disease germs of typhoid fever, scarlet fever, diphtheria, tuberculosis, septic sore throat, poliomyelitis or dysentery shall handle or be permitted to handle the milk or milk products or the milk or milk products utensils in any manner whatsoever.

Regulation 151. Dippers and other utensils, unfilled single service containers, caps and other labels not to be upon any vehicle. No person shall have upon any vehicle used for the transportation of milk or milk products any dipper or other utensil which may be used for the purpose of transferring milk or milk products from one container to another, nor shall the operator of any such vehicle have in his possession or on such vehicle any unfilled single service container, or any cap, tag, or label for milk or milk products other than those already attached to the containers at the place of pasteurization or filling. (*Amended March 14, 1939.*)

Regulation 152. No water, preservatives or adulterants to be upon any wagon. No water, preservative or other adulterant shall be kept in a receptacle upon any wagon used for the purpose of transporting and delivering milk and milk products.

Regulation 153. Milk and cream dumped from bottles or single service containers; disposal thereof.

1. No milk or cream shall be dumped from bottles or single service containers, to be used for any purpose, unless the product is wholesome and the bottles, inner and outer caps, or single service containers, and the cans or containers into which the same is to be poured or dumped, are clean and the pouring or dumping process is performed in a sanitary manner.

2. No milk or cream poured or dumped from bottles or single service containers shall be held, kept, or offered for sale or used as fluid milk or sweet cream. Such milk or cream after dumping may be used, upon re-pasteurization, for the purpose of manufacture into sour cream, buttermilk, cultured buttermilk, fermented milk, frozen desserts, ice cream mix or for baking or other manufacturing purposes; and such milk after dumping, if within the saleable age limit, may be used for the purpose of manufacture into flavored milk or flavored drink upon re-pasteurization of the whole product.

3. The containers into which such milk or cream is to be poured or dumped shall be labeled immediately prior to dumping and such labels shall bear the appropriate information as herein indicated.

(a) If the milk or cream is intended for manufacturing purposes other than those in subdivision (b) herein, the tag attached to the can shall bear the name and address of the dealer who performed the dumping and the words,

"Milk (or cream) dumped from bottles or single service containers at (here insert address) to be used for manufacturing purposes only."

(b) In the case of milk, if it is intended to be used for the manufacture of flavored milk or flavored drink, the tag attached to the can shall bear the name of the dealer who performed the dumping, the date and time of the beginning of distribution which shall be the earliest date and the time of the beginning of distribution of any part of the contents of the can, and the words,

"Milk dumped from bottles or single service containers at (here insert address). Intended for manufacture of flavored milk or flavored drink."

(*Amended March 8, 1938, June 11, 1940, August 11, 1942, and March 14, 1944.*)

REQUIREMENTS GOVERNING THE LABELING OF MILK AND MILK PRODUCTS

Regulation 154. Labeling of milk and milk products, general provisions.

1. Each receptacle containing milk or milk products, or any beverage made from milk, a milk product or a milk substance, brought into the City of New York, or held, kept, offered for sale or sold therein, shall bear a label on which there shall be clearly and legibly printed the nature of the product contained in said receptacle, the name of the operator of the place where said receptacle was filled, and the address of said place, together with any additional information required in the Sanitary Code and in these regulations governing milk and milk products. Such label shall be securely affixed to the receptacle at the time when and the place where the milk or milk product, or the beverage made from milk, a milk product or a milk substance, is placed into said receptacle, and at no other place. (*Amended March 14, 1944.*)

2. Where a bottle containing milk or a milk product is capped with one cap only, such single cap shall be considered to be the outer cap for the purposes of these labeling regulations. Where the outer cap consists of a transparent material, it may be of a color that will not affect its transparency and the labeling requirements shall appear on the inner cap. All caps and tags shall be of white or light-colored material, except when otherwise indicated. Metal caps, either of natural metal color, or with color specifications approved by the Director of the Bureau of Food and Drugs, and with the labeling requirements stamped or printed thereon, may also be used. Where a single service paper container is used, it shall be of white or light-colored material and the printed matter on such container must conform with the labeling requirements governing bottled milk or milk products, except when otherwise indicated.

3. No word, statement, picture, trade-mark, symbol, device or printed matter of any kind, except the information pertaining to the milk or milk products required in the Sanitary Code and these regulations governing milk or milk products, shall appear on the inner or outer caps on bottles or the tags attached to cans or on that part of the single service paper container which contains the required information. The arrangement of type and the printing of the required information on tags, caps and single service containers shall be subject to the approval of the Director of the Bureau of Food and Drugs. To obtain such approval, proof prints or drawings of such caps, tags and single service containers, shall be submitted in duplicate to the Department of Health.

4. When there is more than one pasteurizing plant or shipper in a town or village the Director of the Bureau of Food and Drugs may order means of identification in such case, if in his opinion it is necessary. Such means of identification shall appear on the caps, tags, or single service paper containers when so ordered by the Director.

5. No word, statement, picture, design, mark or device shall appear on any bottle or single service paper container which is false or misleading in any particular. (*Amended November 14, 1941.*)

Regulation 155. Labeling requirements for approved milk and cream (pasteurized).

1. The opening of bottles and single service paper containers of "Approved Milk or Cream (Pasteurized)" shall be provided with a cap or other acceptable device, which (a) will satisfactorily protect the milk and cream from contamination, (b) will completely and effectively cover the pouring lip of the bottle or single service paper container, and (c) will be of such type that its removal and replacement is capable of being readily detected. The requirements under provisions (b) and (c) shall not apply to a cap or device on a container of sour cream, provided such cap or device partly covers the lip of the container.

2. No word, statement, picture, trade-mark, symbol, device or printed matter of any kind shall appear on the inner or outer caps on bottles or the tags attached to cans containing "Approved Milk or Cream (Pasteurized)," except the information pertaining to the product required in the Sanitary Code and in these regulations governing milk and milk products.

3. All outer caps and tags and single service paper containers shall bear:

(a) The words, "N. Y. C. Dept. of Health," and the grade and designation, "Approved Milk or Cream (Pasteurized)," as the case may be, with the words, "Approved Milk" or "Approved Cream," in block letters not less than one-eighth ($\frac{1}{8}$) of an inch in height on caps and single service paper containers, and not less than one-quarter ($\frac{1}{4}$) of an inch in height on tags.

(b) The place where pasteurization was performed and the name of the operator of such pasteurizing plant, and if desired, in addition thereto or in lieu of the operator's name, the name and address of the wholesale dealer for whom pasteurized, provided such dealer maintains his own distributing depot.

(c) The time when distribution of milk or cream may begin, indicated by the words "for distribution after 6 a. m." together with the day of the week in the case of caps and single service paper containers, and with the date in the case tags.

(d) In the case of cream, the words, "Light Cream," "Medium Cream," or "Heavy Cream," as the case may be, and if the product is sour cream, the word, "Sour," inserted before the word, "Cream."

(e) In the case of sour cream, the time when distribution may begin need not appear on the cap or single service paper container, and in lieu of the address of the place of pasteurization and the name of the operator thereof, the

address of the place of bottling or filling and the name of the operator thereof may be shown.

(f) Any additional information required in the Sanitary Code or elsewhere in these regulations relative to milk or cream.

(g) In the case of a single service paper container, in lieu of the printed matter on the outer cap, there shall be on each of two opposite sides of the rectangular container a circle with an area of not less than 5% of the total lateral area of the entire container, in which shall be inserted the information hereinbefore required for outer caps on bottled milk or cream, and no word, statement, picture, trade-mark, symbol, device or printed matter of any kind, other than the aforesaid required information in the circle, shall appear anywhere on either of such sides. Provided, however, that with the approval of the Department and with appropriate reference, the day of the week indicating the time when distribution may begin may be shown elsewhere than in the aforesaid circles. Provided, further, that in the case of a cylindrical or conical single service paper container, the lateral surface area shall be divided vertically into approximately two equal parts, and in lieu of the two required circles, only one circle shall be provided on one part with the information hereinbefore required, and no words, statement, picture, trade-mark, symbol, device or printed matter of any kind, other than the aforesaid required information in the circle, shall appear anywhere on such part of the container. The area of such single circle shall not be less than 10% of the total lateral area of the container. In no event shall a required circle have a diameter of less than one and five sixteenths (1-5/16) inches.

4. The time when distribution may begin, as indicated on the single service container or the cap or tag attached to the bottle or can of milk or cream, shall be not more than thirty-six (36) hours after pasteurization of such milk or cream.

5. Tags attached to all cans of cream (pasteurized) which has been standardized at a place other than where pasteurized shall bear the following information: (a) the words, "N. Y. C. Dept. of Health Approved Cream (Pasteurized)"; (b) the place of pasteurization of the cream and the date and time when distribution may begin as indicated on the original tag; (c) the words, "Standardized at," followed with the address of the place where standardization was performed and the name of the operator performing the standardization. The date and time when distribution may begin, to be indicated on tags attached to cans of standardized cream, shall be that of the earliest date on the tags attached to the original cans of the milk or cream used for standardization.

6. Tags attached to all cans of milk or cream (pasteurized) which has been split at a place other than where pasteurized shall bear the following information: (a) the words, "N. Y. C. Dept. of Health Approved Milk or Cream (Pasteurized)"; (b) the place of pasteurization and the date and time when distribution may begin as indicated on the original tag; (c) the address of the place where the milk or cream was split and the name of the dealer performing the splitting.

7. All the information required by this regulation to be placed on the outer cap, the tag, or single service paper container shall be clearly, legibly and conspicuously printed in black ink, except that the name of the operator of the pasteurizing plant or the name and address of the wholesale dealer for whom the milk or cream was pasteurized, and the words, "Light Cream," "Medium Cream," or "Heavy Cream," may be in a color other than black. (*Former Reg. 155 repealed; present Reg. 155 adopted, June 11, 1940, amended May 13, 1941, November 14, 1941 and March 14, 1944.*)

Regulation 156. Labeling requirements for pasteurized and sterilized flavored milk and flavored drink. The outer caps on bottles, the tags attached to cans, and the labeling on single service containers, of products under the designation of "Flavored Milk" or "Flavored Drink" shall contain all the information required, respectively, for caps, tags and single service containers, of "Approved Milk (Pasteurized)," in the manner described in Regulation 155, except that (a) in lieu of the words, "Approved Milk (Pasteurized)," the nature of the product shall be indicated either as "Flavored Milk (Pasteurized)" or "Flavored Drink (Pasteurized)," as the case may be, and immediately preceded by the name of the flavoring material; (b) in the case of "Flavored Drink" the words, "Made with 'skimmed milk' or 'skimmed milk powder,' or 'whole milk powder' or 'condensed milk' or 'condensed skimmed milk,'" as the case may be, shall be conspicuously stated thereon; (c) the information required to be placed on the outer cap, tag and single service container shall be

clearly, legibly and conspicuously printed in bright brown ink; and (d) where the product has been sterilized in the final sealed container, in lieu of the word, "Pasteurized," the place of pasteurization, the name of the operator of the pasteurizing plant, and the time when distribution may begin, and in lieu of the required color and size of print, there shall be stated the word, "Sterilized," together with the place of sterilization and the name of the operator of such sterilizing plant. (*Adopted June 6, 1940, amended August 11, 1942 and March 14, 1944.*)

Regulation 157. Labeling requirements for pasteurized "buttermilk," "cultured buttermilk," and other fermented milks. The outer caps on all bottles, the tags attached to all cans and the labeling on single service paper containers, of "Buttermilk", "Cultured Buttermilk", and other fermented milk shall contain the following information: (a) the words "Buttermilk", "Cultured Buttermilk" or the nature of the other fermented milk, as the case may be, followed by the word, "Pasteurized"; (b) the name of the operator of the plant where the product was pasteurized, or in lieu thereof, or in addition thereto, the name and address of the wholesale dealer for whom the product was pasteurized, provided such dealer maintains his own distributing depot; (c) the address of the plant where the product was pasteurized; and (d) if the product is bottled at a place other than where pasteurized, the address of the place of bottling and the name of the operator thereof, shall be used instead of the address of the pasteurizing plant and the name of the operator thereof. The color requirements for printing, and the arrangement of printed matter on single service paper containers, shall be the same as those required in Regulation 155, except that the words, buttermilk, cultured buttermilk, and the name of any other fermented milk, may be in a color other than black. (*Former Reg. 157 repealed; present Reg. 157 adopted June 11, 1940, effective September 1, 1940.*)

Regulation 158. Word, statement, design, mark or device on label. No word, statement, design, mark or device regarding the milk or the milk products shall appear on any cap or tag attached to any bottle, can or other receptacle containing milk or the milk products, which word, statement, design, mark or device is false or misleading in any particular.

Regulation 159. Labeling of milk or cream to be pasteurized; sealing.

1. Milk or cream brought into the City of New York to be pasteurized shall have a tag of pink colored material affixed to each and every can or other receptacle indicating, in addition to the information required in the general provisions of Regulation 154, the date of shipment, the term "Raw Milk" or "Raw Cream" as the case may be, and the words "to be pasteurized at" (stating location of pasteurizing plant), and when transported in tanks attached to trucks or railroad cars, the number of quarts placed therein, and in the case of milk, the butter fat content of the milk and its specific gravity at sixty degrees (60°) Fahrenheit, as expressed by the "New York Board of Health" lactometer.

2. Cans and tanks for the transportation of milk or cream shall be filled and all openings permanently sealed with a lead seal at the point of filling and the said seals shall remain unbroken until the product is delivered into the custody of the consignee. The sealing device shall be so constructed that when used it shall impress upon the lead initials of the shipper. When an opening is sealed, the tag shall be so attached that it may not be removed without breaking the lead seal. All sealing of openings of transportation tanks attached to trucks shall be made outside the dust proof housings. Where milk or cream is placed into a transportation tank at more than one shipping plant or station in order to receive its full capacity, the seal placed at the inlet by the prior shipping plant or station shall be broken and the inlet resealed by the operator of the subsequent shipping plant or station, following his placing of milk or cream therein, in such a manner as to securely attach his tag and the tags of the prior shipping plants or stations. In such cases the operator of each shipping plant or station in so far as his shipment is concerned shall comply with all the provisions of these regulations.

(*Formerly Reg. 156; amended and renumbered June 11, 1940, effective September 1, 1940.*)

Regulation 160. Tags to be saved. As soon as the milk, skimmed milk or cream contained in a can or receptacle has been sold or before the said can or receptacle has been returned or otherwise disposed of, or leaves

the possession of the dealer, the tag thereon shall be removed and kept on file in the store, where such milk, skimmed milk or cream has been sold, for a period of two months thereafter, for inspection by the Department of Health. Tags affixed to such cans or receptacles shall not be removed therefrom until the contents have been sold or otherwise disposed of.

Regulation 161. Record of milk, skimmed milk or cream delivered. Every wholesale dealer in the City of New York shall keep a record in his main office in the said City, which shall show from which place milk, skimmed milk or cream, delivered by him daily to retail stores in the City of New York, has been received and to whom delivered, and the said record shall be kept for a period of two months, for inspection by the Department of Health, and shall be readily accessible to the inspectors of said Department at all times.

Regulation 163. (*Repealed June 11, 1940.*)

Regulation 164. Sour cream, splitting etc. (*Repealed June 11, 1940.*)

Regulation 165. Cold storage cream. Cream which has been kept in cold storage must be clearly and legibly labeled "cold storage cream."

Where fresh cream is mixed with cream which has been kept in cold storage, the final product must be labeled "cold storage cream".

(*Adopted December 27, 1923.*)

[Ed. The Subtitle "Regulations Governing the Splitting of Sour Cream" and Regulations 166 to 183 Inclusive Thereunder, Repealed June 11, 1940, Effective September 1, 1940.]

§157. Milk, skimmed milk, and cream; must conform to grade standards.

All milk, skimmed milk, or cream held, kept, offered for sale, sold, or delivered in the City of New York shall conform in character to the standards and requirements set forth in Section 156 of this Code as applicable to the particular grade under which such milk or cream shall be held, kept, offered for sale, sold, or delivered. (*Amended June 28, 1917.*)

§157a. Emergency distribution of milk.

The Commissioner of Health is authorized and empowered, for a period not to extend beyond June 1, 1948, to purchase and sell approved pasteurized milk at the welfare and baby health stations and elsewhere in this city, at cost but not exceeding fifteen cents per quart, or to contract for or permit the retail distribution of such milk at the welfare and baby health stations and elsewhere in this city, under his supervision and direction and in accordance with the regulations of the Board of Health, at cost or not exceeding fifteen cents per quart, provided that the milk herein referred to shall be sold in bottles or individual containers bearing, in addition to other Sanitary Code requirements, a statement attached to the said bottle or container to the effect that such milk is distributed through the Department of Health of The City of New York. The resale of any such milk, by a purchaser or any other person, is prohibited.

In the sale of milk, pursuant to the provisions of this section, deposit for the bottle may be charged not exceeding the sum of three cents per bottle. Nothing herein contained shall in any wise affect the price paid to the producer for any of the milk herein referred to.

(*Adopted June 9, 1934. Amended each year—last amendment September 9, 1947.*)

§158. Skimmed milk; sale and distribution regulated.

1. No skimmed milk for fluid consumption shall be held, kept, offered for sale or sold in the City of New York otherwise than in bottles or single service containers of at least one quart capacity and under the designation of "Approved Skimmed Milk (Pasteurized)."

2. Skimmed milk shall not be offered for sale or sold, or used in the preparation of any beverage, at a retail food establishment where beverages or other food are prepared for consumption on the premises.

(*Adopted November 14, 1941.*)

§159. Bottles, cans, and other receptacles for holding milk, skimmed milk, and cream; use regulated and restricted.

It shall be the duty of all persons having in their possession bottles, cans, or other receptacles containing milk, skimmed milk, or cream, which are used in the transportation or delivery of milk, skimmed milk or cream, to clean or cause them to be cleaned immediately upon emptying.

No person shall use or cause or allow to be used any receptacle which is used in the transportation and delivery of milk, skimmed milk, or cream for any purpose

whatsoever other than the holding of milk, skimmed milk, or cream; nor shall any person receive or have in his possession any such receptacle which has not been washed after holding milk, skimmed milk, or cream or which is unclean in any way.

(Amended June 28, 1917.)

Section 159-a. Empty bottles, cans and other receptacles for holding milk, skimmed milk, buttermilk, cream, or ice cream, not to be contaminated with garbage and offensive materials.

No person shall place, or cause, or allow to be placed in or on any street, park, or any open space therewith connected, any empty bottle, can, or other receptacle used or intended to be used for the transportation and delivery of milk, skimmed milk, buttermilk, cream, or ice cream, which empty bottle, can, or other receptacle is to be returned or intended to be returned to the person so transporting or delivering such substance to be again thus used or which is liable to continued use in so transporting or delivering such substance, as aforesaid; nor shall any person place, or cause or allow to be placed in any such empty bottle, can, or other receptacle, any refuse, dirt, garbage or filth, or any poison, or any offensive, harmful, or deleterious substance or material whatsoever; nor shall any person place, or keep any such empty bottle, can, or other receptacle, or cause, or allow the same to be placed or kept in any place which is used for storing garbage, ashes, rubbish, refuse, or other offensive, harmful, deleterious, or dangerous substances or materials, or in any container used for receiving or transporting the same.

It shall be the duty of the owner of any empty bottle, can, or other receptacle, used or intended to be used for the transportation and delivery of milk, skimmed milk, buttermilk, cream or ice cream, to collect and remove the same promptly and the owner of such container shall not allow the same to accumulate at any place other than their own premises.

(Adopted July 25, 1921.)

§159b. Sale of loose milk prohibited, exceptions.

(a) No milk shall be offered for sale, sold or shall be dispensed direct to the consumer in the City of New York, in any container other than in bottles or individual containers, filled and properly capped or sealed and labeled at the plant where pasteurized, except where such milk is dispensed direct to the consumer for consumption on the premises where dispensed from a pump or other similar mechanical dispensing device satisfactory to the Board of Health and in accordance with the regulations of said Board. Such device shall be washed, sterilized, filled and sealed at the pasteurizing plant after filling. The seal or seals of the device, other than that necessary to be broken for the dispensing of milk, shall remain intact during the entire period of dispensing, and no milk shall be dispensed from the device after the seal has been broken. The milk container of the dispensing device shall be properly rinsed immediately after emptying and before being returned to the milk depot or pasteurizing plant.

(b) No person shall supply, deliver, offer for sale or sell in the City of New York, any milk in cans, except to restaurants bakeries or manufacturing establishments for cooking or manufacturing purposes or to another wholesale milk dealer

(c) The Board of Health, upon proper application made by a hospital or an institution that feeds and cares for large number of persons, may issue a certificate exempting such hospital or institution from the foregoing provisions so as to permit the receiving and using thereof of such milk in cans. It shall be the duty of every person before supplying or delivering milk in cans to such hospital or institution to ascertain whether it holds such exemption certificate.

(d) A dispensing device shall not be deemed satisfactory unless it be simple in construction and so designed that (1) all the parts of the device with which milk comes in contact can be readily taken apart for cleaning and be easily cleaned and, in the assembled state, sterilized at the pasteurizing plant where filled; (2) that the device when filled may be so sealed that the contents cannot be tampered with without breaking or destroying the seal; and (3) that the milk, if not homogenized, will be kept thoroughly and automatically mixed so as to insure with each dispensing operation a proper proportion of the constituents of the milk contained in the dispensing device.

(Adopted October 11, 1932; amended July 10, 1934, May 11, 1937, and June 8, 1939.)

[Ed. Regulations relating to Subdivision c of Section 159b appear on Page 157.]

**REGULATIONS GOVERNING THE SALE OR DISTRIBUTION
OF LOOSE MILK IN HOSPITALS, INSTITUTIONS, ETC.,
RELATING TO SECTION 159B, SANITARY CODE.**

Regulation 1. Application. All hospitals or institutions applying for a certificate of exemption from the provisions contained in Section 159b of the Sanitary Code, pursuant to subdivision (c) thereof, shall make application to the Board of Health upon forms furnished by the Department of Health.

Regulation 2. Sanitary conditions, etc. No such certificate of exemption shall be granted, except upon compliance with the following conditions:

(a) Premises where milk is stored and dispensed shall be kept in a clean, sanitary condition. Toilets shall be properly vestibuled.

(b) If milk is dispensed to consumers at the place where it is drawn or dipped from container, a railing or other enclosure shall be provided to exclude all persons, not detailed to the work of dispensing the milk, from contact with milk or utensils and all such persons shall be excluded from such contact.

(c) Satisfactory refrigeration shall be provided and all milk kept at temperature at or below 50° F.

(d) A supply of running hot and cold water, conveniently located, shall be provided.

(e) Single service drinking cups shall be provided and used only once, except where adequate provision is made for washing and sterilizing all drinking vessels after each use, and they are so washed and sterilized after each use.

(f) All dippers, pitchers, dispensers, urns and other utensils used in dispensing milk shall be properly washed and sterilized after each day's use. Such dispensers, urns and utensils shall be protected from flies, dust and other contamination at all times, and pitchers and other pouring vessels shall be frequently rinsed during the period of use.

(g) Attendants employed in handling and dispensing milk shall be cleanly in habits; they shall wash their hands before commencing work, before returning to work after visiting toilet and at other times when they become in the least degree soiled. They shall be instructed regarding sanitary handling of milk and the necessity of proper agitation at each operation of dipping, if milk is dipped.

(h) No canned or loose milk shall be returned to dealer after any part of contents of can has been removed therefrom.

(i) All milk and cream cans shall be rinsed before being returned to dealers.

(j) All milk and cream can tags must be kept on file at hospital or institution for a period of at least two months.

(Adopted June 27, 1933; Reg. 2, subd. (g) amended October 15, 1940.)

§159c. Sale of loose sweet cream, sour cream, buttermilk, cultured buttermilk, fermented milk, fermented skimmed milk, flavored milk, and flavored drink prohibited; exceptions.

1. No sweet cream or sour cream shall be offered for sale, sold or dispensed, direct to the consumer in the City of New York, in any containers other than bottles or single service containers, except that this requirement shall not be deemed to apply to sweet or sour cream used or served at restaurants for consumption on the premises.

2. No buttermilk, cultured buttermilk, fermented milk or fermented skimmed milk shall be offered for sale, sold, or dispensed, direct to the consumer in the City of New York, in any containers other than bottles or single service containers, except that this requirement shall not apply to any such product when dispensed at restaurants from a mechanical dispensing device as described and provided for in Section 159b of the Sanitary Code, or when served from quart bottles or quart single service containers at restaurants for consumption on the premises, or to fermented milk prepared at restaurants for consumption on the premises.

3. No flavored milk or flavored drink, shall be offered for sale, sold or dispensed direct to the consumer in the City of New York, in any containers other than bottles or single service containers, except that this requirement shall not apply to flavored milk or flavored drink when dispensed at restaurants, confectionery stores or soft

drink establishments from a mechanical dispensing device as described and provided for in Section 159b of the Sanitary Code, or in the case of flavored milk when prepared with milk from quart bottles or quart single service containers at restaurants, confectionery stores or soft drink establishments, for immediate consumption on the premises.

4. The provisions of this section shall not apply to the dispensing of any of the products hereinbefore mentioned at a hospital or other institution.

5. No person shall supply, deliver, offer for sale or sell in the City of New York, any of the products hereinbefore mentioned in containers other than those above referred to, except to another wholesale dealer in such product, to a hospital or other institution or to establishments for manufacturing purposes, or except, in the case of sweet cream, or sour cream, to a restaurant.

(Adopted November 9, 1938, and amended August 11, 1942.)

§160. Carcasses of calves, pigs, kids or lambs; fish, birds and fowl; sale regulated.

Carcasses of calves, pigs, kids, or lambs, or any part thereof, shall not be brought into The City of New York, or held, sold, or offered for sale anywhere within the said city, if (a) the meat has the appearance of being water soaked, is loose, flabby, tears easily and can be perforated with the fingers; or (b) its color is grayish red, or (c) good muscular development as a whole is lacking especially noticeable on the upper shank of the leg, where small amounts of serious infiltrates or small oedematous patches are sometimes present between the muscle; or (d) the tissue which later develops as the fat capsule of the kidneys is oedematous, dirty yellow or grayish red, and intermixed with islands of fat. No meagre, sickly, or unwholesome fish, birds, or fowl shall be brought into said city or held, sold, or offered for sale for human food therein. (S. C., §43; amended December 21, 1915, May 3, 1922, and March 14, 1935.)

§161. Cattle; not to be killed while in an overheated, or feverish condition.

No cattle shall be killed for human food while in an overheated, or feverish condition. (S. C., §44.)

§162. Meat and carcass of meat animals; sale regulated; carcass of meat animals to be cooled and entrails removed after killing, exceptions; bringing of wild rabbits into City, regulated.

1. No carcass or part of the carcass of any meat animal shall be taken to any public or private market until same shall have been fully cooled after killing and the entrails and feet, except the feet in the case of swine and game animals, shall have been removed. This subdivision shall not apply to poultry, domesticated rabbits and game birds.

2. No wild rabbits shall be brought into the City of New York, or held, kept, offered for sale or sold in said city, unless prior to being brought into the city the same shall have been skinned, eviscerated, cleaned and individually wrapped in clean, wax paper or other non-absorbent wrapper. Such wild rabbits shall be kept refrigerated at all times until sold.

(Former §162 repealed and new section added by resolution filed with City Clerk October 15, 1942, and published in The City Record October 17, 1942.)

§163. Unhealthy, unsound, unwholesome and unsafe meat, vegetables and milk, possession and sale prohibited; eviscerated or processed poultry, sale restricted; terms "meat," "vegetables" defined.

No meat, vegetable or milk not being then healthy, fresh, sound, wholesome or safe for human food or the meat of any animal that died by disease or accident, shall be brought into the City of New York or held, kept, offered for sale or sold as such food or kept or stored anywhere in the said City.

No eviscerated, or smoked, pickled or other processed poultry, birds or fowl shall be packed, prepared, processed or put up for human food in the City of New York, or held, kept, offered for sale or sold as such food therein, unless the said poultry, birds or fowl shall have been inspected and passed as fit for consumption as human food by a duly authorized inspector of the United States Department of Agriculture, or of any foreign or other domestic inspection service approved by the Board of Health of the City of New York, and shall have been marked, stamped or labeled as having been so inspected or passed, or where such poultry, birds or fowl are canned or put up in packages, the can or package shall be plainly and legibly marked, stamped or labeled so as to show that the contents thereof have been so inspected and passed, together with the name and address of the packer, or the identification plant number and the name and address of the distributor.

Any meat, vegetables or milk packed in cans, the contents of which have become fermented as evidenced by swelling or bulging, or where the cans are broken, damaged or rusted, or emit a foul or offensive odor, shall be deemed not healthy, fresh, sound, wholesome or safe for human food.

The term "meat" as used herein shall include fish, birds, eggs and fowl.

The term "vegetables" shall include any products, substance or article used as and for human food other than milk or meat.

(§163 amended by resolution filed with City Clerk November 15, 1940, and published in *The City Record* November 18, 1940.)

§164. Shellfish defined; sale regulated; permits and registration.

(1) No shellfish shall be brought into the City of New York, or held, kept, sold or offered for sale in said city, without the required permit therefor issued by the Board of Health or otherwise than in accordance with the terms of said permit and with the regulations of said Board. The permit herein referred to shall be divided into two classes, as follows:

Class A Permit—to sell shellfish at wholesale and retail.

Class B Permit—to sell shellfish at retail.

The term or phrase "at wholesale" wherever used in this section or other sections or regulations pertaining to shellfish shall be taken to mean and include the handling, transporting, delivering, offering for sale, or selling shellfish to dealers, restaurants, hotels, stores, stands or vehicles, for resale or further distribution, or otherwise than a retail sale direct to the consumer.

The term "shellfish" as used in this section or other sections or regulations pertaining to shellfish shall be taken to mean and include oysters, all kinds of clams, except surf clams (*macra solidisema*), and mussels.

The requirement herein of a shellfish permit shall not apply to a shipper of shellfish into the City of New York who is registered with the Department of Health. A shipper of shellfish located in the State of New York but outside the City of New York who holds a shipper's shellfish certificate of approval from the New York State Conservation Department, or a shipper of shellfish located outside the State of New York who holds a shellfish certificate from the state agency having control over the shellfish industry of his state and such certificate or certification has been approved or endorsed by the United States Public Health Service, shall apply for registration and be registered with the Department of Health under this provision.

(2) No dealer in shellfish or other foods shall purchase or have in his possession shellfish received from a dealer who is not the holder of a permit to sell shellfish at wholesale, or a shipper of shellfish registered in the manner hereinbefore referred to, for shipping shellfish into the City of New York. It shall be unlawful to ship shellfish into the City of New York until the applicant's registration is approved and he has been so notified in writing by the Director of the Bureau of Food and Drugs of the Department of Health. Every registration as a shipper of shellfish into the City of New York shall expire on the date of expiration of his State shellfish certificate.

The Board of Health of the Department of Health of The City of New York shall have the right to deny registration to any applicant for registration as a shipper of shellfish into the City of New York when in its opinion the history of the said applicant is such as to show that he is a persistent violator of the shellfish regulations, or is of an unreliable character.

(§164 amended by resolution filed with City Clerk April 15, 1943 and published in *The City Record* April 17, 1943.)

REGULATIONS GOVERNING THE SALE OF SHELLFISH

§164: Regulations 2, 7, 8 subd. 6, 25, 28. (*Regulations 2, 7, and 8, Subd. 6 amended by resolution filed with City Clerk April 15, 1943 and published in The City Record April 17, 1943; Regulation 25 amended by resolution filed with City Clerk February 9, 1938 and published in The City Record February 14, 1938; Regulation 28 amended by resolution filed with City Clerk February 14, 1941, and published in The City Record February 19, 1941.*)

Regulation 1. Applications for permits and registration. Application for permits to sell shellfish in The City of New York at wholesale or at retail and applications for the registration of shippers of shellfish into The City of New York shall be made to the Bureau of Food and Drugs of the Department of Health upon official forms furnished for said purposes.

Regulation 2. Definitions. Unless otherwise expressly stated, wherever used in these regulations, the following terms shall be taken to mean and include:

(1) "Shellfish": Oysters, all kinds of clams, except surf clams (*macra solidissema*), and mussels.

(2) "Sources of Supply": The waters from which shellfish are taken.

(3) "Approved Source of Supply": Waters which have been approved for the taking of shellfish by the state agency having control over the shellfish industry of the state where the waters are located.

(4) "Shipper": Person who ships or causes shellfish to be shipped into The City of New York.

(5) "Reshipper": The consignee in The City of New York of a shipment of a container of shellfish who reships such shellfish to another dealer of shellfish or food, or one who purchases shellfish from another shipper for shipment into The City of New York.

(6) "Bayman or Shellfish Taker": Person or persons who take or cause to be taken any shellfish from natural shellfish grounds for purposes of sale to local shellfish dealers or shippers for food purposes.

(Amended April 13, 1943.)

Regulation 3. Registered shippers to ship shellfish from their own state. No shipper of shellfish registered with the Department of Health shall ship or bring into The City of New York shellfish obtained from a source of supply other than the approved sources of supply located in the state from which he holds a certificate of approval issued by the agency of that state having sanitary control over the shellfish industry within that state.

Regulation 4. Exclusion of source of shellfish supply. Upon receipt of a written report of a duly authorized agent of the Department of Health, approved by the Director of the Bureau of Food and Drugs showing that the regulations of the Board of Health have not been complied with and that the shellfish from a particular source of supply have not been grown, planted, cultivated, stored, treated, transported, handled, kept, offered for sale or sold, in accordance with these regulations, or such shellfish are a source of danger to the community, the Commissioner of Health may exclude such shellfish from The City of New York, and no person shall bring into, sell, offer for sale or distribute in said city any such shellfish after notice from the said Commissioner of Health. Upon receipt of a written report of a duly authorized agent of the Department of Health, showing that the regulations of the Board of Health have been complied with, the Commissioner of Health may permit the bringing in, selling, offering for sale, or distributing in said city any such shellfish, excluded as aforesaid, if, in his opinion, the regulations have been complied with or the source of danger removed at any time after such exclusion. The Director of the Bureau of Food and Drugs shall report in detail to the Board of Health every such exclusion and readmission and the reason therefor.

Regulation 5. Bacterial standards. The result obtained from the bacterial examination of shellfish shall be interpreted in accordance with the numerical system established by the American Public Health Association's Method of rating shellfish for *b. coli*, and where the total score of rating for *b. coli* equals 50 or more, such shellfish shall be deemed contaminated. An authorized employee of the Department of Health of The City of New York shall have the authority to take without payment therefor such samples of shellfish for examination purposes as may be deemed necessary to carry out the provisions of these regulations.

Regulation 6. Procedure governing enforcement of bacterial standards. The bacterial standards established for shellfish constitute one of the controlling factors in determining whether such shellfish are grown, planted, cultivated, stored, treated, transported and delivered in accordance with these regulations, and the Department of Health of The City of New York will exercise the control furnished by such standards in the manner and in conformity with the restrictions herein set forth. Periodical samples for bacteriological examination shall be taken of shellfish. If, as a result of the bacteriological examination of such samples, it appears that the shellfish do not conform to the bacterial standards prescribed and the bacterial content is in excess of such standards, a written notification to such effect shall be sent to the persons shipping such shellfish into the

City of New York. Thereafter, and within the time specified in said written notice, additional samples shall be taken by the Department of Health, and if the bacterial content of said shellfish is again found to be in excess of the prescribed bacterial standards and the cause thereof has not been removed, a second written notification shall be forwarded to such person, directing attention to such fact. Such written notification shall specify that further samples will be taken within a specified time, and if the bacterial content of such shellfish is again found to be in excess of the bacterial standards, the Department of Health will take immediate steps to exclude such shellfish from the City of New York. The provisions of these regulations shall not, however, be construed as limiting the power and authority of the Department of Health to exclude shellfish which have been found to have been suspected of containing pathogenic bacteria or which have been found to be adulterated or misbranded under the provisions of the Sanitary Code of the Board of Health of the Department of Health of the City of New York, or any state or United States Statute.

Regulation 7. Shellfish from unapproved sources or shippers prohibited. It shall be unlawful for any person to bring into The City of New York, have, keep, sell, or offer for sale in the said city shellfish for any purpose from an unapproved or excluded source of supply or from an unregistered or excluded shipper. (*Amended April 13, 1943.*)

Regulation 8. Required shipper's tag. No shipper of shellfish shall sell, offer for sale, transport, ship or bring into The City of New York, or cause to be sold, offered for sale, transported or shipped or brought into said city, any shellfish unless each receptacle containing such shellfish shall have affixed thereto a white or manila colored tag of suitable water-proof quality, not less than $2\frac{5}{8} \times 5\frac{1}{2}$ inches in size, made up in such printed form and setting forth clearly and legibly such information as herein indicated:

Form of front of tag

THIS PACKAGE CONSISTS OF	THIS TAG IS REQUIRED BY LAW TO BE KEPT ON CONTAINER UNTIL EMPTY AND THEREAFTER KEPT ON FILE FOR 60 DAYS		TO BE RETAINED BY RECEIVER FOR 60 DAYS
	SHIPPER'S CERT. NO.		SHIPPER'S CERT. NO.
	RESHIPPER'S CERT. NOS.	DATES RESHIPPED	TO
			DETACH HERE
	SHELLFISH DREDGED FROM		SHELLFISH DREDGED FROM
	BED NO.		BED NO.
	DATE		DATE

Form of back of tag

SHIPPER'S NAME AND ADDRESS
From:

Below To Be Filled In By Receiver

Date
Rec'd.

Lot No.

Lot consists of

Information required on the front of the tag to be properly inserted by the shipper in the blank spaces provided therefor as follows:

- (1) The shipper's state certificate number preceded by state abbreviation.
- (2) The consignee's name and address.
- (3) The contents together with the size and type of container.
- (4) Source of supply (waters where taken) and the bed number, if any.
- (5) Date of shipment.

(6) If a shipper or reshipper purchases shellfish from another shipper or dealer other than a bayman, the original shipper's tag must remain on the container or containers and the space on the front of the original shipper's tag shall be stamped with the state certificate number of the reshipper and the date of reshipment. Such an original shipper shall be a registered shipper with the Department of Health of The City of New York.

On the back of the tag the shipper shall properly insert the shipper's name and address.

The space on the front of the tag entitled "Reshipper's Cert. No." and "Dates reshipped" and the space on the back of the tag for "Receiver to fill in below" shall be left blank by the shipper and reserved for the consignee.

Regulation 9. Shipper's tag to remain on container; split lot tags:

(a) Where a wholesale dealer in the City of New York receives a container of shellfish, he shall immediately stamp upon the tag of the detachable part of the shipper's tag, in the space reserved thereon, the date such shellfish was received, and enter the lot number he assigns thereto and what the lot consists of. When such container of shellfish is sold, the vendor shall detach the detachable part of said shipper's tag and enter upon the stub of the shipper's tag remaining on the container, his reshipper's number (N. Y. State certificate No.) and the date reshipped. He shall keep on file in his place of business such detached part of the shipper's tag for a period of sixty (60) days from the date of receipt thereof. Every subsequent wholesale dealer selling such container of shellfish shall at the time of reselling same, enter his reshipper's number (N. Y. State certificate No.) and the date reshipped by him.

(b) Where a wholesale dealer of shellfish divides the shellfish received in a container into two or more containers, he shall also retain the stub of the shipper's tag, stamp on the back thereof the date of splitting and keep same on file for sixty (60) days as hereinbefore provided, but in doing so shall securely attach to each of such containers a split lot tag. These split lot tags shall be white or manila in color of suitable water-proof quality, 2½x4¼ inches in size, made up in such printed form and setting forth clearly and legibly such information as herein indicated.

Form of front of split lot tag

SPLIT LOT TAG SHELLFISH DREGCED FROM	
BED NO.	
SHIPPER'S CERT. NO.	
DATE	
ORIGINAL PACKAGE CONSISTED OF	
RESHIPPER'S CERT. NOS.	DATES RESHIPPED
THIS TAG IS REQUIRED BY LAW TO BE KEPT ON CONTAINER UNTIL EMPTY AND THEREAFTER KEPT ON FILE FOR 60 DAYS.	

Form of back of split lot tag

ORIGINAL TAG ON FILE AT PREMISES OF:	
CERT. NO.	
THIS SPLIT LOT CONSISTS OF	
SOLD OR SHIPPED TO:	

The information required on this split lot tag shall be properly inserted by the reshipper in the blank spaces provided therefor, as follows:

(1) All the information appearing on the stub of the original (shipper's) tag.

(2) Contents, together with the size and type of container to which such split lot tag is attached.

(3) The name and address of the reshipper splitting the container in the space following the words, "Original tag on file at premises of."

Regulation 10. Wholesale dealer to keep record of receipts and disposition of shellfish. Every wholesale dealer shall keep an accurate daily record showing the source of supply, the bed number if any, the name and address of the shipper, the date of receipt, and the quantity and kind of every shipment of shellfish he receives. He shall also keep an accurate daily record showing how the shellfish received by him was disposed of, by stating the quantity and kind of shellfish. Where the shellfish in a container received by a wholesaler has been divided or split into two or more parts, his record shall indicate how the shellfish in such original container was divided or split. All such records must be kept legible and separate from any other records for a period of six (6) months, and shall be readily accessible and open to inspection by an inspector or other authorized representative of the Department of Health.

The wholesaler receiving shellfish shall retain the detachable part of the shipper's tag attached to each container for sixty (60) days from the date of receipt, except that it shall be necessary to retain only one detachable part of the tags from any shipment consisting of a number of containers received from the same shipper, from the same source, in the same lot and on the same date, provided a lot number was assigned to the shipment and the detachable part of the one tag retained shows the makeup of the entire lot.

Regulation 11. Each container of shellfish to be tagged. No container of shellfish shall be shipped or brought into The City of New York or held, kept, sold or offered for sale or received in said city unless there shall be securely affixed thereto a tag clearly and legibly stating the shipper's state certificate number, the source of supply, date of shipment and all other information required in Regulations 8 and 9 herein.

Regulation 12. Retail dealers to file tags. Every retail dealer as soon as the shellfish in a container has been sold or otherwise disposed of, shall remove the tag attached thereto and keep same on file in his place of business for a period of sixty (60) days and said tag shall be readily accessible and open to inspection by an inspector or other authorized representative of the Department of Health. Where a retail dealer exposes for sale shellfish in a container other than the one in which the shellfish was received, he shall attach to the container in which the shellfish is exposed for sale his own blank tag bearing his name and address and further state thereon the following information taken from the tag attached to the original container in which the shellfish was received: (1) the shipper's state certificate number, (2) the reshipper's (wholesaler) state certificate number, and (3) the source of supply of the shellfish.

Regulation 13. Restaurants selling shellfish. A restaurant conducted under a permit from the Board of Health does not require a Class B permit to sell shellfish at retail for consumption on the premises, but all restaurants so selling shellfish at retail shall comply with the regulations herein governing the retail sale of shellfish.

Regulation 14. Shellfish not to remain on sidewalk. All shellfish or containers of shellfish shall not be deposited or allowed to remain within a distance of four (4) inches above the surface of any sidewalk, street, alley, or other public place.

Regulation 15. Statistical reports to be submitted. Every wholesale dealer in shellfish shall file with the Director of the Bureau of Food and Drugs of the Department of Health upon a form furnished by said department, a monthly statement showing the amount of each kind of shellfish received by him during such period.

Regulation 16. Closed oyster season. The possession of oysters for sale for food purposes is prohibited from May 15th to August 31st, both inclusive. The provisions of this regulation shall not prohibit the possession of oysters for sale within The City of New York to persons without the State of New York from May 15th to August 31st, inclusive, nor the possession at any time for sale within The City of New York of such

oysters as shall have been taken from approved areas, shucked, packed in new, clean packages, and frozen between September 1st and May 14th, inclusive, and therefore kept in a frozen state. The shipping container of oysters so frozen shall be properly tagged and the individual packages or cartons in said shipping container shall have clearly and legibly set forth thereon, the shipper's name, address, his state certificate number, the source of supply and the date when frozen.

Regulation 17. Personal cleanliness. All employees engaged in the handling of shellfish shall wash their hands thoroughly with running water and soap upon beginning work and after each visit to the toilet or other interruption in their work. Signs to this effect shall be posted in conspicuous places throughout the premises.

Regulation 18. Health of employees. No person who has any communicable disease or any infected wound on the hands or arms, shall work or be permitted to work in any place where shellfish is packed, handled, offered for sale, or sold.

Regulation 19. Sorting, culling, and grading of shellfish. No shellfish shall be sorted, culled or otherwise graded, except on proper sanitary racks provided for the purpose, and all such racks shall be elevated at least two (2) feet above the floor surface.

Regulation 20. Handling and shipping of shellfish:

(a) Shell stock—Shell stock shall be handled and shipped under such temperature condition as will keep them alive. When shipped in sacks or other containers, only new or thoroughly clean sacks or containers shall be used for the shipment of shell stock. No barrel, tub or other container shall be used in the shipment of shellfish which is not free of odors and free from evidence of chemicals or other materials remaining therein from previous use.

(b) Shucked stock—Shucked stock shall be stored and shipped under such temperature condition, namely between 32 degrees Fahrenheit and 50 degrees Fahrenheit as will prevent spoilage. Outside containers shall be provided for ice, and no ice or foreign substance shall be allowed to come in contact with the shucked stock. All containers in which shucked stock are packed for shipment shall be of metal or such other material as may be satisfactory to the Department of Health, shall be clean and new, and before shipment shall be adequately sealed. The re-use of a shipping container or the fastening of a lid by means of nails is prohibited.

Regulation 21. Opening of container of shucked stock in transit. No containers of shucked stock shall be opened after it leaves the original shipper until it is opened by the retail purchaser, except that the wholesale dealer may remove the lid or cover for the purpose of exhibiting to a customer the contents, but in such case the contents shall not be disturbed, nor shall human hands be permitted to come into contact with the shucked oysters. Repacking into containers of a different size by an intermediate shipper is prohibited, unless such repacking is done in a shucking establishment in accordance with and under conditions set forth in the regulations governing shellfish shucking.

Regulation 22. All buildings, shucking plants, packing plants, store houses, rooms, or other places in which shellfish are taken, received, stored, culled, shucked, packed, or otherwise handled shall be kept in a clean and sanitary condition at all times.

REGULATIONS GOVERNING SHELLFISH SHUCKING IN THE CITY OF NEW YORK

Regulation 23. "Shucking" and "blowing" defined. Unless otherwise expressly stated, wherever used in the shellfish regulations, the following terms shall be taken to mean and include:

(1) "Shucking": The removal of shells from oysters or shellfish either in whole or in part.

(2) "Blowing": The removal of foreign substances from shucked oysters by means of a combination of air and water under pressure or any other mechanical apparatus.

Regulation 24. Every building or room used for the purpose of shucking shall be constructed and cleaned as hereinafter provided. The shuck-

ing of shellfish and washing or packing of shucked shellfish shall be conducted in separate rooms. No other activity or operation shall be permitted in such rooms.

Regulation 25. The shucking room shall be ample in size so as to prevent overcrowding, and such room shall be not less than six (6) feet in width nor less than one hundred and fifty (150) square feet in area and shall be equipped with self-closing doors. Except where only one (1) person is employed in the shucking of shellfish and not more than ten (10) gallons of shellfish are shucked in any one day, the area may be not less than sixty-four (64) square feet. The floors of the room in which shellfish are shucked, and the floors of the rooms in which shucked shellfish are packed, stored, washed or otherwise handled shall be of tight, smooth construction, so graded and drained as to discharge all liquid into properly trapped sewer or cesspool connected drains. Such floors must be cleaned daily and kept at all times free from accumulation of refuse or other objectionable material. Walls and ceilings must be of a smooth, hard material and must be kept clean and sanitary. (*Amended February 8, 1938.*)

Regulation 26. All benches upon which shellfish are opened or shucked shall be of smooth, hard, impervious and non-absorbent material which can be readily washed and shall be kept in a clean and sanitary condition when in use. Said benches, if located or placed against a wall or walls, shall be provided with a back or backs of monolithic construction or with tight joints extending at least twenty-four (24) inches above the benches. The surface of all benches and backs shall be thoroughly cleansed and scalded with hot water or steam after each day's work. The placing of shelves, boxes, lockers, hooks, nails or other devices for storing clothes or other things above the working benches is prohibited. The shucking blocks shall be constructed so as to be one solid piece, free from cracks or crevices.

Regulation 27. Adequate facilities shall be provided to insure a sufficient supply of running hot and cold water at all times.

Regulation 28. There shall be adequate light and ventilation in all rooms. Openings into the outer air shall be effectively screened and doors shall be self-closing, unless other effective means are provided to eliminate flies or prevent their access. (*Amended February 11, 1941.*)

Regulation 29. Adequate toilets and lavatory facilities shall be provided for the employees.

(a) Toilet facilities.—Toilets shall not be located in any room in which shellfish are opened, shucked, stored or handled and shall be provided with adequate, direct, outside ventilation. The door or doors of the water-closet compartments shall be self-closing. All water-closet compartments and all water-closet fixtures shall be maintained at all times in a clean, sanitary condition and in good repair.

(b) Lavatory facilities.—There shall be an adequate number of sinks or washbasins with running hot and cold water, powder or liquid soap, individual cloth or paper towels for the use of workers conveniently located with respect to the toilet room. Each worker shall be required to wash his or her hands thoroughly before commencing work each day and before resuming work after each interruption of work for any cause. Conspicuous signs to this effect shall be posted in a prominent place.

Regulation 30. Shells shall be cleansed of surplus matter by dousing with fresh water before the oysters are placed on the opener's bench, and no oysters with broken shells or a cluck oyster shall be used for shucking. Oysters that have been opened and prepared for packing and shipment shall not be touched by the hand.

Regulation 31. Where blowing or other form of mechanical agitation is used to wash the oysters, such apparatus must be kept clean and sediment removed after each blowing, and a fresh supply of clean water used of not less than a salinity of 1.007 for each blow. The period of blowing shall not exceed three minutes. The water for washing shucked oysters shall be taken directly from the pipe and shall not be applied from tubs or other containers and shall not be reused for washing.

Regulation 32. Adequate facilities shall be provided for cleaning and sterilizing all containers, utensils, and implements used to open, handle, or hold shucked shellfish. All utensils and containers used to hold shucked shellfish, as well as knives and other implements with which shellfish are

handled in packing or shucking plants shall be thoroughly cleaned and scalded with hot water of at least 180° Fahrenheit or steam under pressure or thoroughly sterilized by some other approved process. Shucking pails and similar containers shall be stored in an inverted position, and be maintained in a clean, sanitary condition at all times. The "nesting" of empty pails shall not be permitted.

Shucking pails, measures, skimmers, colanders, tanks, paddles and other containers or equipment used in shucking or packing plants shall be made of non-corrosive, non-rusting, smooth, impervious, material and in such manner as to eliminate grooves, seams, and cracks where food particles and slime may collect. All seams and joints shall be well filled with solder and dressed to a smooth surface. The handles of opening knives shall be so constructed as not to contain cracks and crevices which would retain food particles and slime. Shucking containers shall be so designed as to prevent contact between the shucked shellfish and the opening bench.

Gloves or other protection for the hands and the outer clothing of persons working in the opening and packing of shucked shellfish shall be of such material as can be easily and thoroughly cleaned and shall be kept in a clean and satisfactory condition. No shucker's pails, knives, gloves or finger cots shall be placed in use without first having received a thorough cleansing.

Regulation 33. No person who has any communicable disease or any infected wounds on the hands or arms shall be employed or permitted in any shell stock plant, shucking or packing plant, or permitted to handle shellfish in any way. All employees or applicants for employment in a shucking or packing plant except clerical employees, before employment, and as often as required thereafter shall furnish to his employer, who shall keep same on file, a certificate of a registered physician as evidence that he is in a satisfactory health condition for work in such plant. Such physician's certificate in addition to other matters shall state that the applicant had had no history of typhoid or paratyphoid fever, or if so that the necessary bacteriological examination of stools and urine or other tests as required have been made in the laboratory of the Department of Health or in a laboratory approved by the Department of Health and that such person has been pronounced to be a non-carrier. Any carrier of typhoid or paratyphoid fever shall be excluded from the plant.

Regulation 34. Use of wooden pails and buckets is prohibited.

Regulation 35. Garbage and waste material shall be deposited in metal cans with tight fitting metal covers provided exclusively for this purpose.

(Generally revised December 8, 1936 with amendments to April 13, 1943.)

§164a. Taking shellfish from waters within The City of New York, prohibited; exceptions. (*§164-a repealed, and new section added by resolution filed with City Clerk January 12, 1940 and published in The City Record January 15, 1940.*)

1. Except as otherwise provided in this section no person shall dig, rake, tong, dredge or otherwise remove any oysters, clams or mussels from the waters located within The City of New York, nor shall any person deal in, or have, keep, offer for sale or sell, or have in his possession any such shellfish for any purpose whatsoever.

2. A person holding a bayman's permit may, in accordance with the regulations of the Board of Health, dig, rake, tong, or otherwise remove, and sell for food purposes, hard clams from the approved area of Raritan Bay, New York, shown on the United States Coast Geodetic Chart numbered 369 and bounded and described as follows:

All that part of Raritan Bay in the State of New York and lying east of a line from the "Cupola" at Red Bank, Staten Island, to the "Tank" at Union Beach, New Jersey; approximately 1,000 yards south of Conaskonk Point, New Jersey, and west of a line from the "Standpipe" at Huguenot Beach, Staten Island, to the "Conover Beacon," New Jersey, and south of a line parallel to the Staten Island shore one-half mile off shore, from mean low water.

The term "bayman's permit" as used herein and in the regulations hereunder shall mean a permit issued by the Supervisor of Marine Fisheries of the State Conservation Department to take shellfish pursuant to Section 315 of the State Conservation Law.

(Subd. 2 amended by resolution filed with City Clerk March 17, 1942 and published in The City Record March 19, 1942; effective March 31, 1942.)

3. Oysters and hard clams may be removed from the non-approved waters of Raritan Bay and Jamaica Bay, New York, pursuant to the Board of Health, upon written permission of the Director of the Bureau of Food and Drugs of the Department of Health, for the purpose of transplanting the oysters and hard clams so taken to approved beds or grounds outside the City of New York for purification purposes.

(Subd. 3 amended by resolutions filed with City Clerk July 25, 1941 and published in The City Record July 29, 1941.)

**REGULATIONS GOVERNING THE TAKING AND MARKETING
OF HARD CLAMS FROM THE APPROVED AREA OF RARI-
TAN BAY, NEW YORK, FOR FOOD PURPOSES, AND GOV-
ERNING THE TRANSPLANTING OF OYSTERS AND HARD
CLAMS FROM THE NON-APPROVED AREA OF RARITAN
BAY AND JAMAICA BAY, NEW YORK, TO APPROVED
AREAS OUTSIDE THE CITY OF NEW YORK, FOR PURI-
FICATION PURPOSES**

Regulation 1. Time of taking. All hard clams taken from the approved area of Raritan Bay must be taken only during daylight hours.

Regulation 2. Tagging of hard clams. Baymen shall fill out a bayman's shellfish identification tag and attach same to each and every bag or other container of hard clams taken from the approved area of Raritan Bay immediately upon bringing such hard clams inshore. Tags used for this purpose shall be only those which are furnished by and obtained from the State Conservation Department and labelled with the requirement, "To be filled in by digger and delivered with shellfish."

Regulation 3. Sale and shipment of hard clams.

(a) No bayman shall sell, ship or deliver hard clams taken from the approved area of Raritan Bay unless the bag or other container is properly tagged.

(b) No bayman shall sell, ship or deliver such hard clams except directly to a wholesale shellfish dealer located in the Borough of Richmond, who is the holder of a Class A permit to sell shellfish at wholesale, issued by the Board of Health.

(c) A bayman who holds, in addition to a bayman's permit, a Class A permit to sell shellfish at wholesale, issued by the Board of Health for a place of business in the Borough of Richmond, may sell, ship and deliver such hard clams to points outside the Borough of Richmond.

(d) A bayman who holds, in addition to a bayman's permit, a Class B permit to sell shellfish at retail, issued by the Board of Health for a place of business in the Borough of Richmond, may sell such hard clams at retail from such place of business.

Regulation 4. Requirements on boats.

(a) All boats, utensils, equipment and containers used for the taking and transportation of hard clams shall be kept clean at all times.

(b) Clams shall be stored on board a boat in such a manner that they shall not become contaminated with drainage, bilge water or polluted water.

(c) Decks, holds or bins used for the storage of clams on boats shall not be washed with polluted water.

(d) Workmen or other persons on such boats shall not discharge human bodily waste into the waters over shellfish areas.

Regulations 5 to 7 shall apply to transplanting of oysters and hard clams from the non-approved areas of Raritan Bay and Jamaica Bay, New York, to approved areas outside The City of New York, for purification purposes.

Regulation 5. Application for transplanting oysters and hard clams. The application for the transplanting of oysters and hard clams from the non-approved areas of Raritan Bay and Jamaica Bay, New York, to approved areas outside The City of New York for purification purposes must be made on official blank forms furnished for that purpose by the Department of Health and the applicant must state the location of the beds or

grounds from which the oysters or hard clams are to be taken, the period when same are to be taken, the location of the approved beds or grounds to which the oysters and/or hard clams will be transplanted, the name of the boat or boats to be engaged in the operation, together with the name of the person to be actually in charge of the operation. There shall be submitted with the application a certified copy of the applicant's State Conservation Transplanting permit.

Regulation 6. Approval of application. No such taking of oysters and hard clams for transplanting purposes shall be commenced until such application is approved and permission in writing is granted by the Director of the Bureau of Food and Drugs of the Department of Health.

Regulation 7. Report. Every holder of a State Conservation Transplanting permit who received such written permission shall file with the Department of Health a detailed written and signed report within five (5) days after the completion of the removal operation set forth in such permission, showing the operation for each day, the location of the beds or grounds from which such oysters or hard clams were taken, the quantity of each taken, and the location of the approved beds or grounds where same were planted. (*Adopted January 9, 1940 and regulation 5 amended July 18, 1941.*)

§165. Artificial or natural mineral, spring, or other waters; manufacture regulated.

1. It shall be the duty of every wholesale dealer, manufacturer, importer, or other person who manufactures or imports, or sells at wholesale in the City of New York, any artificial or natural mineral, spring, or other water, for drinking purposes, to file, under oath, with the Department of Health, the name of such water and the exact location from which it is obtained, the chemical analysis and the bacteriological examination thereof, and, when manufactured, the name of every substance or element entering into its composition.

2. Where carbonated water is prepared at the place where dispensed to the consumer, the potable water used shall be conducted from the public water supply system through closed pipes connected with the carbonating apparatus or carbonic acid gas tank from which it is dispensed to the consumer.

(§165 amended by resolution filed with City Clerk June 15, 1942 and published in *The City Record* June 17, 1942, effective October 1, 1942.)

§165: Regulations governing the manufacture of mineral, carbonated, or table water in The City of New York. (*Repealed by resolution filed with City Clerk June 15, 1942 and published in The City Record June 17, 1942; effective October 1, 1942.*)

§165a. Soft drinks; sale regulated; permit required. (*Repealed by resolution filed with City Clerk April 14, 1941 and published in The City Record April 16, 1941.*)

§166. Public water supply; purity and wholesomeness protected.

No person shall throw or allow to run or pass into any public reservoir, water-pipe, or aqueduct, or into or upon any border or margin thereof, any excavation or stream therewith connected, any animal, vegetable, or mineral substance whatever; nor shall any person (having the power or right to prevent the same) do or permit any act or thing that will impair or imperil the purity of wholesomeness of any water or other fluid used or intended to be used as a drink, in any part of said city; nor shall any person bathe or (except in the discharge of a public duty) put any part of his person into such water, nor shall any unauthorized person open any erection or unscrew any hydrant holding such water. (S. C., §61.)

§167. Water; duties of persons in authority.

It shall be the duty of every person, official, department, and board, having any authority and control in regard to any water intended for human consumption (and within the proper sphere of the duty of each thereof), to take all usual and also all reasonable measures and precautions to secure and preserve the purity and wholesomeness of such water. (S. C., §62.)

§167a. Water for drinking and culinary purposes on vessel.

An adequate supply of drinking water, shall be furnished for the use of all persons aboard vessels plying upon waters within the jurisdiction of The City of New York, making trips of one-half hour duration or more between landings, and it shall be properly stored and protected aboard such vessels in accordance with the regulations of the Board of Health. (*Adopted May 3, 1922.*)

REGULATIONS GOVERNING THE STORAGE, DISTRIBUTION, TRANSPORTATION AND DELIVERY OF WATER FOR DRINKING OR CULINARY PURPOSES ON VESSELS. (*As adopted by the Board of Health May 3, 1922.*)

Regulation 1. Water for drinking or culinary purposes on vessels shall be obtained from a source recognized by the Department of Health of the City of New York as being of satisfactory quality or safety or from a source approved by the United States Public Health Service for the use of common carriers.

Regulation 2. Whenever water is furnished on any vessel for drinking or culinary purposes, there shall be provided a complete system of approved tanks of adequate capacity for the storage of water, and filling and distribution systems of sanitary design.

Regulation 3. All storage tanks shall be independent of the hull of the vessel and of watertight construction. A drain valve for completely emptying each tank shall be provided in the bottom thereof discharging into the interior of the vessel.

Regulation 4. All man-holes, inlets or openings of such tanks shall be provided with caps, flanges, covers and gaskets so as to give a watertight closure. Manhole covers shall be securely closed or locked so that they cannot readily be tampered with, nor shall any soil, waste, vent or drain pipe pass through any tank used for the storage of water for drinking or culinary purposes.

Regulation 5. Prior to the commencement of each navigating season and as often thereafter as shall be required, the water storage tanks and water supply system on each vessel shall be disinfected by a solution of hypo-chlorite of calcium or chlorine. A concentration in proportion of one pound of fresh hypo-chlorite of calcium or three tenths (.3) of a pound of chlorine per five thousand gallons of water capacity shall be used. Such solution shall be added while the tanks are being filled and allowed to remain therein over night or for at least eight hours.

Regulation 6. Storage tanks shall be completely drained and flushed at least once each week. The entrance of men into such tanks for any purpose is prohibited except when ordered by the Department of Health.

Regulation 7. Tanks used for the storage of water for drinking or culinary purposes, shall not be used for any other purpose.

Regulation 8. The handling of water between the source of supply and the storage tank and the point of consumption shall be in such a manner as not to impair its sanitary quality and safety.

Regulation 9. No hose or pipe used on drinking water lines shall be used for any other purpose and it shall be carefully handled at all times so as to be kept clean and sanitary. Screw caps shall be attached to the ends of hose when not in use so as to prevent the contamination of the interior of the hose. Hose shall not be permitted loose around the dock or decks but shall be properly stored aboard the vessel or on the deck when not in use.

Regulation 10. Pumps for the delivery of drinking or culinary water shall not be used for any other purpose. Bilge or sea-cock connections shall not be permitted to be made to the drinking water pumps or to any part of the drinking water system.

Regulation 11. There shall be no physical interconnection between the drinking water supply system and any other system of water supply aboard the vessel.

Regulation 12. Water for drinking purposes shall not come in direct contact with the cooling ice.

Regulation 13. The use of drinking cups in common is prohibited. Individual cups or bubbler fountains of a type approved by the Department of Health shall be provided.

Regulation 14. The use of lead or lead compounds in any drinking water system aboard vessel is prohibited.

Regulation 15. Permanent warning signs stating that the water is unfit to drink shall be posted over all taps, hydrants, or outlets at which water is available other than for drinking or culinary purposes.

Regulation 16. No water shall be permitted in the galley or kitchen of any vessel other than that which is of satisfactory quality and safety for drinking or culinary purposes.

Regulation 17. Bacteriological examinations of water samples from the drinking water supplies of vessels shall be regularly made by the Department of Health and the result must be of satisfactory standard indicating that proper care and precautions in the placing and handling of such water prevail.

Regulation 18. The Captain or commanding officer of any vessel shall remove promptly from the vessel any case of sickness among the crew which is suspected of being of a communicable or contagious nature, and the said Captain or commanding officer shall furthermore immediately notify the Department of Health of the City of New York of such case of sickness and such sick person shall not be re-employed on the vessel until he presents a certificate showing his freedom from agents liable to spread disease.

Regulations 19, 20 and 21 follow Section 167B. (Print after Reg. 18.)

§167b. Water boats; permit required.

No boat used to transport water to other vessels or places, for drinking or culinary purposes shall be operated without a permit therefor issued by the Board of Health or otherwise than in accordance with the terms of the permit and the regulations of said board. (*Adopted May 3, 1922.*)

**ADDITIONAL REGULATIONS APPLICABLE TO VESSELS
THAT TRANSPORT WATER TO OTHER VESSELS OR
PLACES FOR DRINKING OR CULINARY PURPOSES.**

Regulation 19. Water shall be handled at all times from the dock hydrant up to the actual delivery to other vessels or places in such a manner as not to impair its sanitary quality or safety.

Regulation 20. Filling plugs to the storage tanks to which the filling hose is directly attached when the tanks are being filled, shall be provided. The end to which the hose is attached should extend at least four (4) inches above the deck surface, and should be securely capped, except when during filling operation.

Regulation 21. The water, storage tanks and water supply system on each water boat shall be disinfected at least once in each week in the manner described in Regulation 5.

Regulations 1 to 18 follow Section 167 A. (Print after Reg. 21.)

§168. Water from wells; the use thereof regulated and restricted.

Water from wells in the Borough of Manhattan shall not be used, in the City of New York, for drink; nor shall water from wells in the Borough of Manhattan be used for any other purpose in any tenement, lodging-house, hotel, manufactory, or building, in which persons are living or employed, or in which there are offices, or a restaurant or saloon, in the City of New York, without a permit therefor issued by the Board of Health or otherwise than in accordance with the terms of said permit and the regulations of the said board. Water from wells in the other boroughs of said city, other than the public water supply, shall not be used in any tenement or lodging-house, hotel, manufactory, or building, in which persons are living or employed, or in which there are offices, or a restaurant or saloon, without a permit therefor issued by the Board of Health or otherwise than in accordance with the terms of said permit and the regulations of the said board. (S. C., §63.)

**REGULATIONS GOVERNING USE OF WELL WATER FOR
BATHING, FLUSHING, COOLING OR DOMESTIC PURPOSES**

Regulation 1. Analysis of water. No permit shall be issued, except after an analysis and examination of a sample of the well water and a favorable report shall have been rendered thereon by the Department of Health. Every such permit shall state specifically the purpose or purposes for which the water may be used.

Regulation 2. Protection from surface water. Suitable means shall be employed and proper precautions taken to prevent surface water from entering wells.

Regulation 3. Wells near cesspool or privy vault. No well shall be maintained within fifteen feet of any cesspool or privy vault, and no leaching cesspool or privy vault, or other source of contamination shall be maintained within three hundred feet of a well or where there is danger of such well water becoming contaminated from such leaching cesspool or privy vault, or other source.

Regulation 4. Danger sign to be posted. A sign with the words "Danger—this well water not to be used for drinking or domestic purposes," clearly, legibly and prominently displayed thereon, shall be securely fastened or attached to every pump, tap or outlet connected with any well, the water from which is used for other than drinking or domestic purposes.

Regulation 5. Removal of danger signs prohibited. No person, excepting a duly authorized representative of the Department of Health shall remove or deface or mutilate any sign fastened or attached to any pump, tap or outlet connected with any well, as provided for in Regulation 4 of these Regulations.

Regulation 6. Connections. Well water shall not be connected with any other water supply.

§169. Drinking hydrants; water therefrom not to be rendered unwholesome.

No person shall destroy or in anywise injure or impair any drinking hydrant, or part thereof, in The City of New York; nor shall any person interfere with the use or enjoyment of the water therein or therefrom, or interrupt the flow thereof; nor shall any person put any dirty, poisonous, medicinal, or noxious substance into or near said water or hydrant, whereby such water is made or maybe regarded as, dangerous or unwholesome as a drink. (S. C., §64.)

§170. Addition of chemicals to water supply in buildings regulated; permit required.

(a) No person shall in the City of New York add, or engage in or by a sign or otherwise advertise or hold himself out as engaged in the business of adding any chemical or other substance to the water supply within a building without a permit therefor from the Commissioner of Health. Such addition of chemicals shall be for anti-corrosion or anti-scaling purposes only, and shall be performed in conformity with the terms and conditions of said permit and the regulations of the Board of Health. No owner, lessee, occupant, tenant, or other person in charge of a building shall cause, permit, allow or suffer any chemical or other substance to be added to the water supply in such building which water supply is subsequently furnished to any guest, customer, occupant, tenant, or other person for domestic use or human consumption, unless such addition or treatment is performed by the holder of a permit from the Commissioner of Health and in accordance with the regulations of the Board of Health. The provisions of this section shall not apply to the treatment of water for industrial purposes, for swimming pools, for air conditioning systems, or for any use which does not include human consumption, but in all such cases proper precaution shall be taken to preclude the possibility that the treated water may come into contact with or contaminate the potable water supply distribution system of the building and provisions satisfactory to the Department of Water Supply, Gas and Electricity shall be made to preclude the possibility that the treated water may come into contact with or contaminate the public water supply.

(b) Only the following chemicals or mixtures thereof may be added to the water supply in a building:

Sodium silicates	Sodium phosphates
Sodium carbonate	Calcium carbonate
Sodium bicarbonate	Calcium bicarbonate
Sodium hydroxide	Calcium hydroxide

None of these chemicals shall be added in such manner as to increase the total alkalinity, total hardness or total silica content of the water by more than 50 parts per million as determined by the methods of water analysis contained in the latest edition of "Standard Methods of Water Analysis" approved by the American Public Health Association and the American Water Works Association.

(c) Addition of chemicals to the water supply in a building for anti-corrosion or anti-scaling purposes shall only be made by means of an approved mechanical device or apparatus designed and constructed to regulate the chemical dosage to conform with the provisions of this section. Such mechanical devices or apparatus shall be examined and if found satisfactory shall be approved by the Board of Standards and Appeals. The applicant shall designate, by calendar number of the Board of Standards

and Appeals, the approved device which will be used or file an application with said Board for approval of the device intended for use.

(d) Where a person or company is engaged in work covered by both Sections 170 and 170a of the Sanitary Code, a single permit only will be required.

(Section 170 amended by resolution filed with City Clerk March 21, 1945 and published in *The City Record* March 26, 1945; effective immediately.)

REGULATIONS GOVERNING THE ADDITION OF CHEMICALS TO WATER SUPPLY IN BUILDINGS FOR ANTI-CORROSION OR ANTI-SEALING PURPOSES

§170: Regulations 1-9: (*As added, filed with City Clerk December 16, 1938 and published in The City Record December 20, 1938.*)

Regulation 1. Application for permit. An application for a permit to engage in the business of adding chemicals to the water supply in a building for anti-corrosion or anti-scaling purposes, shall be made to the Commissioner of Health on forms furnished for such purpose by the Department of Health.

Regulation 2. Required qualifications of applicant.

A permit to add chemicals to the water supply in buildings for anti-corrosion or anti-scaling purposes, shall be issued only to persons holding a chemical degree or a degree in chemical or sanitary engineering, from a college or university approved by the Regents of the University of the State of New York, and having at least five years' experience in some work closely related to the chemistry of water. If the applicant for a permit is a partnership, at least one member thereof, or if a corporation, at least one officer thereof, must possess the aforesaid qualifications. In addition thereto such partner or officer must be engaged for full time in said partnership or corporation respectively, and have direct charge and supervision over all installations and activities in relation to the addition of chemicals to a water supply in a building. (*Regulation 2 amended by resolution filed with City Clerk March 21, 1945 and published in The City Record April 21, 1945 and April 24, 1945; effective immediately.*)

Regulation 3. Chemical laboratory. A holder of a permit shall maintain at all times a suitable chemical laboratory equipped to analyze water in accordance with the standard method of water analyses as approved by the American Public Health Association, and the American Water Works Association, for the following ingredients:

Calcium	Alkalinity to methyl orange
Magnesium	Alkalinity to Phenolphthalein
Acidity	Free carbon dioxide
Silica	Hydrogen ion concentration
Iron	Hardness.
Zinc	
Copper	
Phosphates	

(*Regulation 3 amended by resolution filed with City Clerk March 21, 1945 and published in The City Record April 21, 1945 and April 24, 1945.*)

Regulation 4. Responsibility of permittee. The permittee shall at all times be held strictly responsible for the installation and maintenance of the mechanical device and for the addition of chemicals to the water supply in a building serviced by him. He may, however, delegate the actual addition of chemicals, the servicing of the mechanical device, and other related activities, to a qualified employee-operator, but such delegation shall not relieve the permittee from responsibility hereunder.

Regulation 5. Installations. The mechanical device shall be so installed and located that it be at all times fully protected from tampering, exposure to any insanitary conditions, or the possibility of contamination. The storage of chemicals for use with the mechanical device shall be in metal containers kept locked at all times, and such containers clearly marked to indicate that they hold chemicals for the treatment of the water supply.

Regulation 6. Report of installation and servicing. Where a permittee has installed a mechanical device or where a permittee is servicing a mechanical device installed by one other than the permittee, the permittee shall within 24 hours after such installation, and in the latter case

within 24 hours after the commencement of such servicing, file a report with the Department of Health, on a 5" x 8" white or manila colored card, containing the following:

- a. Address of premises.
- b. Owner of premises.
- c. Description of premises.

In the case of installation—

d. The undersigned has on 19 , installed at the aforesaid premises a mechanical device for the addition of chemicals to the water supply, Board of Standards and Appeals Calendar Number and will service said device with
Name of chemical or chemicals.

Where the mechanical device to be serviced has been installed by one other than this permittee—

e. The undersigned has on , 19 , commenced servicing the mechanical device heretofore installed at the aforesaid premises with
Name of chemical or chemicals

f. Permit Number
Name of permittee

Dated: , 19 . (If a corporation or partnership)

By

(Regulation 6 amended by resolution filed with City Clerk March 21, 1945 and published in The City Record April 21, 1945 and April 24, 1945.)

Regulation 7. Samples of Water. The permittee at the time of the commencement of servicing, and at least once a month thereafter, shall take samples of the water as it enters and after leaving the device and analyze such samples for increase in alkalinity, total hardness, silica and phosphates as required. These reports of analyses shall be kept on file, separately for each building, under street address, in the office of the permittee for a period of two years and shall be open for inspection by a representative of the Health Department. *(Regulation 7 amended by resolution filed with City Clerk March 21, 1945 and published in The City Record April 21, 1945 and April 24, 1945.)*

Regulation 8. Discontinuance of use of mechanical device. Where the servicing of a mechanical device for the addition of chemicals to the water supply has been discontinued, it shall be the duty of the owner, lessee, or other person in charge of the building, to cause the device to be wholly disconnected from the water supply system and all openings therein properly sealed.

Regulation 9. Revocation of permit. The Commissioner of Health may suspend or revoke a permit issued hereunder for cause; and may, after a hearing, revoke the approval of the mechanical device or apparatus theretofore found satisfactory, if he believes the health and safety of water consumers require such action.

(These regulations shall become effective April 1, 1939.)

§170a. Commercial treatment of water coils and tanks; permit required.

No person, in The City of New York, other than a licensed master plumber, shall engage in, or by a sign or otherwise, advertise or hold himself out as engaged in the business of cleansing or descaling water coils, or cleansing, descaling or painting the inside of water tanks, which are part of a building water supply system used for domestic consumption, without a permit therefor issued by the Commissioner of Health or otherwise than in accordance with the terms of said permit and the regulations of said Board. *(§170a added by resolution filed with City Clerk March 21, 1945 and published in The City Record March 26, 1945; effective immediately.)*

§170a: Regulations 1-7: *(Added by resolution filed with City Clerk March 21, 1945 and published in The City Record March 26, 1945; effective immediately.)*

Regulation 1. Application for permit.

An application for a permit to engage in the business of cleansing or

descaling water coils, and cleansing, descaling or painting water tanks, which are part of a building water supply system used for domestic consumption, shall be made to the Commissioner of Health on forms furnished for such purpose by the Department of Health, and shall include a description of the method of treatment, specifying chemicals or other substances to be used in the process.

Regulation 2. Treatment to be approved.

No permit shall be issued unless the treatment method certified to in the application for permit has been approved by the Department of Health.

Regulation 3. Responsibility of permittee.

The permittee shall at all times be strictly responsible for conformity with the treatment method certified to in his application.

Regulation 4. Application of treatment.

No water coil shall be treated for the purpose of cleansing or descaling by the permittee until it has been completely separated from the building water supply system which the unit serves. Water tanks shall be treated as required in Section 61a.

Regulation 5. Reconnection to supply system.

A water coil or water tank which has been treated by the permittee for the purpose of cleansing, descaling or painting shall not be reconnected to the system that it serves until any foreign chemical or substance used in the process has been neutralized, and the coil or tank has been thoroughly cleansed by flushing with water. Flushing and cleansing with city water must be effected through an indirect connection in such manner that contamination of building water supply cannot occur.

Regulation 6. Record of treatment.

The permittee shall keep on file a record of the date, street address and work performed at each location for a period of one year after the completion of the work. Such records shall be open to inspection by a representative of the Department of Health.

Regulation 7. Revocation of permit.

The Commissioner of Health may suspend a permit issued hereunder for cause and may, after a hearing, revoke the permit if he finds that protection of the health and safety of water consumers require such action.

§171. Shellfish; sale of adulterated and misbranded prohibited.

No person shall bring into The City of New York, or have, keep, sell, or offer for sale in said city, shellfish which are adulterated or misbranded.

Shellfish shall be deemed adulterated:

(1) If, after removal from the shell, they have been subjected to a process whereby their solid contents is decreased or their volume increased.

(2) If they consist wholly or in part, of diseased, decomposed, putrid or rotten substance.

(3) If they contain any antiseptic or preservative.

(4) If any substance or substances has or have been mixed or packed with them so as to reduce or lower or injuriously affect their quality or strength.

Shellfish shall be deemed misbranded:

(a) If they are labeled or branded so as to deceive or mislead the purchaser.

(b) If the container or its label shall bear any statement, design, or device regarding the shellfish or the ingredients contained therein, which statement, design, or device shall be false or misleading in any particular.

(Adopted January 30, 1917, amended April 29, 1919, April 29, 1920, March 4, 1926, and December 8, 1936.)

§172. Sale of carcasses of certain animals restricted.

1. Requirements. No carcass or parts of a carcass of cows, bulls, steers, calves, sheep, lambs, goats or swine, shall be brought into The City of New York, or held, kept, sold, offered for sale or given away for human food in said City, until they shall have been respectively:

(a) Marked or tagged on each accessible wholesale cut of meat whether in the entire carcass or detached therefrom, showing the identity of the slaughterer as required by the United States Department of Agriculture;

(b) Inspected and passed as fit for human food by a duly authorized inspector of the United States Department of Agriculture or a duly authorized inspector of the Health Department of this City; and

(c) Marked, stamped or branded as having been so inspected and passed, or, in the case of parts of a carcass, unless such parts have been cut from a carcass or part of a carcass which had previously been inspected and passed and so marked, stamped or branded as hereinbefore provided.

2. Inspection service by the Department of Health. Such inspection service by the Department of Health shall be given only to the cleanly dressed carcasses of cows, bulls, steers, calves, sheep, lambs, goats or swine to which are attached, by their natural connections, the lungs, the liver, the heart, the spleen, the pleura, and the peritoneum and all the body lymph glands and further such inspection shall be given only at the wholesale meat markets known as West Washington and West Harlem Markets in the Borough of Manhattan; Westchester in the Borough of The Bronx; Fort Greene and North 6th Street Markets in the Borough of Brooklyn and the whole-sale market area at Jamaica and Flushing in the Borough of Queens and only at premises which provide suitable facilities for such inspection acceptable to the Department of Health, except that for the duration of the Federal meat rationing period the Commissioner of Health shall be empowered to provide for the ante-mortem veterinary inspection of steers, bulls, cows, heifers, calves, sheep, lambs, goats and swine, and the post-mortem veterinary inspection of the carcasses of the same animals at slaughter houses outside The City of New York, and further is empowered to stipulate conditions under which these veterinary inspection services shall be rendered.

3. Marking of carcass; form of certificate. Such inspector of the Department of Health upon finding such carcass fit for human food, shall proceed to mark such carcass by branding or stamping thereon with the stamp or brand furnished by the Department of Health with the inscription "Insp'd & Passed D of H N.Y.C." together with the letter of the said stamp or brand, and such inspector shall also, upon branding or stamping such carcass deliver to the owner thereof, or said owner's representative a certificate, which shall be substantially in the following form:

Department of Health

Document No.
 Date
 Name of dealer
 Place of inspection
 Brief description of carcass or part of carcass:
 Name of inspector

Such certificate shall be consecutively numbered.

4. Filing of certificate. Every such certificate shall be made in triplicate form, the duplicate and triplicate copies by carbon process, and the inspector shall deliver the duplicate to the owner of the carcass to which such certificate relates or to said owner's representative; the original to the Bureau of Audit and Accounts in the Department of Health; and file the triplicate copy in the Bureau of Food and Drugs in the Department of Health.

5. Fee for certificate. For each carcass thus marked and for which a certificate shall have been issued as hereinbefore provided, the owner thereof shall pay to the City a fee of five cents. All moneys shall be collected monthly by the Department of Health.

6. Failure of prompt payment. The dealer's failure to make payment within 30 days after the rendition of a bill by the Department of Health for previous inspections shall constitute a violation of this section and the Department of Health may refuse further inspection until such bill is paid.

(Amended April 4, 1948 and January 13, 1948.)

§173. Skimmed milk (fluid) distribution regulated, written permission and permit for manufacturing purposes; pasteurization; exception. *(Repealed by resolution filed with City Clerk November 18, 1941 and published in The City Record November 21, 1941; effective January 1, 1942.)*

§173: Regulations.

(Repealed by resolution filed with City Clerk November 18, 1941 and published in The City Record November 21, 1941; effective January 1, 1942.)

§173. Delivery of meat to be accompanied by delivery ticket.

1. It shall be unlawful for any person to transport or deliver, or cause to be transported or delivered, any meat without each such delivery being accompanied by a serially numbered delivery ticket and a duplicate thereof, on each of which there shall be distinctly expressed in ink or other indelible substance, the name and address of the consignor, the date when and the place where the meat was placed in the vehicle, the kind of meat, the number of pieces and the quantity (in pounds) of each kind of meat contained in the vehicle for each such delivery, and the name of the consignee and the place where the meat is to be delivered. At the time of delivery, the consignee shall sign the delivery ticket and indicate thereon the date of delivery. One of such tickets shall be given to the consignee specified thereon and the other of such tickets shall be retained by the consignor. Such tickets shall be kept on file respectively at the place of business of the consignee and consignor for a period of 60 days. Where meat on a vehicle is for delivery to more than one consignee, a separate set of delivery tickets for each consignee shall be required.

2. No person shall accept any delivery of meat unless at the time of delivery such person signs the delivery tickets, indicates the date of delivery thereon, and retains one of the delivery tickets, as hereinbefore provided.

3. Where a purchaser of meat transports such meat in his own vehicle from the place of purchase to his own place of business, the consignee's delivery ticket shall be given to the purchaser at the place of purchase, but the seller shall indicate on said ticket the purchaser's place of business as the place where the meat is to be delivered.

4. A dealer engaged in the business of selling meats directly to other dealers from the vehicle in which such meats are transported shall at the time of each sale and delivery prepare and deliver to the purchaser delivery tickets as hereinbefore provided, and, in addition, such dealer shall at the beginning of each day's business prepare and keep on said vehicle a daily inventory chart showing the kind of meat, the number of pieces and the quantity (in pounds) of each kind of meat on hand, and shall record on such inventory chart at the time of their occurrence each purchaser and each sale made, indicating the kind of meat, the number of pieces and the quantity (in pounds) of each kind of meat and the name and address from whom purchased and to whom sold. Each sales entry shall be signed on the inventory chart by the purchaser of the meat. Such dealer shall keep the inventory chart for 60 days. Inventory charts and delivery tickets for business conducted during the current and preceding five days shall be kept available on the vehicle.

5. The term "meat" as used herein shall mean any carcass or part or comminuted part of a carcass of a cow, bull, steer, calf, lamb, sheep, goat or swine.

6. This section shall not apply to the delivery or transportation of smoked, pickled or other processed meat or to the delivery of meat when sold at retail and delivered direct to the consumer.

(Section 173 amended by resolution filed with City Clerk September 1, 1943 and published in The City Record September 3, 1943; effective September 15, 1943.)

§174. Formula milk, regulated; permit required. *(Added by resolution filed with City Clerk November 15, 1940 and published in The City Record November 18, 1940; repealed by resolution filed with City Clerk May 16, 1942 and published in The City Record May 20, 1942.)*

§174: Regulations 1-44 governing the preparation, bottling and selling of formula milk in City of New York. *(Added by resolution filed with City Clerk November 15, 1940 and published in The City Record November 18, 1940; repealed by resolution filed with City Clerk May 16, 1942 and published in The City Record May 20, 1942.)*

REGULATIONS

§174. Formula milk regulated; permit required.

1. No formula milk shall be brought into The City of New York, or be prepared or held, kept, offered for sale, sold or delivered in said city, without a permit issued therefor by the Board of Health or otherwise than in accordance with the terms of said permit and with the regulations of said board.

2. No formula milk shall be prepared, offered for sale, sold or delivered except on the written order of a duly licensed physician.

3. The term "Formula Milk" as used herein or in the regulations hereunder, shall be deemed to mean a special sterilized liquid product made for a particular infant and which has, as basic ingredients either pasteurized milk, pasteurized skimmed milk, evaporated milk, dried milk or dried skimmed milk.

4. This section shall not apply to formula milk prepared and used in a home, hospital or child caring institution.

(Adopted June 4, 1947.)

REGULATIONS GOVERNING THE PREPARATION, BOTTLING AND SELLING OF FORMULA MILK IN THE CITY OF NEW YORK

Regulation 1. Formula milk plants. Every person engaged in the business of preparing, bottling or selling formula milk shall provide and maintain a suitable plant which shall be conducted and operated in a manner provided for in these regulations.

Regulation 2. Objectionable premises or surroundings. No formula milk shall be prepared, exposed or bottled in (a) cellar, (b) any room which is dark, poorly ventilated or insanitary, (c) any room or premise which is used for household cooking, living and sleeping purposes and (d) any room or premise which is used for manufacturing, storing or handling a product other than formula milk, or any room or premise which is directly connected with either a stable, garage or room used for the storage and handling of any offensive material or for household living or sleeping purposes or for the preparation or manufacture of any product other than milk or milk products.

Regulation 3. Lavatory facilities. Adequate lavatories with a sufficient number of toilets shall be provided. Lavatories shall have an adequate number of basins. A supply of running hot and cold water together with sufficient soap and individual towels shall be provided. Conspicuous signs shall be posted to the effect that employees must wash their hands thoroughly with warm water and soap after visiting the toilet and before returning to work.

Regulation 4. Watercloset compartments. Every watercloset compartment except when provided with mechanical means of ventilation or with ventilation from skylights, shall have a window at least one foot by three feet between stop-beads opening to the outer air and the entire window shall be made so as to open readily or shall be provided with an opening connected with the outside air measuring at least 144 square inches for each watercloset with an increase of 72 square inches for each additional watercloset or urinal. Doors of watercloset compartment and vestibule shall be self-closing. The watercloset shall not be in direct communication with the room in which formula milk or ingredients used therein are held, kept, handled, prepared or bottled. All watercloset fixtures, compartments and vestibules shall be maintained in a clean and sanitary condition and in good repair.

Regulation 5. Size of rooms. All rooms must be ample in size to avoid overcrowding and the ceilings of such rooms must be at least 8½ feet above the floor level.

Regulation 6. Rodent-proofing and separation of rooms. All rooms in formula milk establishments must be rodent-proof and separated by tight partition from any rooms to which persons other than employees have access.

Regulation 7. Floors. All floors in formula milk establishments shall be properly constructed of tile, concrete or similar non-absorbent material. Floors shall be properly graded and drained to one or more properly trapped sewer-connected outlets. No floor drainage shall be permitted from one room to another.

Regulation 8. Walls and ceilings. Walls in all rooms used for mixing, preparing, heating and cooling of formula milk and walls of wash rooms, shall be constructed of glazed tile or glass brick. They shall be of smooth surface and kept clean. Walls shall have coved tile bases. Ceilings shall be made of smooth, light colored water-resistant material.

Regulation 9. Light and ventilation. All rooms in which formula milk is handled, prepared or kept and all rooms in which utensils and bottles are washed and sterilized must be adequately lighted and ventilated. The premises shall be protected against dirt, dust, flies and other contamination. Doors leading to the outer air shall be self-closing.

Regulation 10. Refrigerators and refrigerating rooms. Refrigerators or refrigerating rooms shall be provided of sufficient capacity for the storage of all prepared formula milk and for the storage of perishable ingredients used in the preparation of formula milk. No drain pipe shall be connected with soil or waste pipes but it shall discharge into a properly trapped vented and sewer-connected open sink.

Regulation 11. Boiler rooms. All boiler rooms must be completely partitioned from rooms where formula milk is prepared or where milk or milk products or other foods are handled or kept or where containers or apparatus are washed or kept.

Regulation 12. Premises to be kept clean and sanitary. Floors, walls, ceilings, tables, shelves and fixtures in all rooms including cellars, closets, stairways and passageways and outside areas including yards, areaways, driveways and alleys contiguous to formula milk establishments, shall be kept in a clean and sanitary condition and shall at all times be free from rubbish, refuse, rodents and vermin.

Regulation 13. Vehicles, platforms and racks. All vehicles, loading platforms and racks used in connection with holding, transporting and storing formula milk, shall be kept clean, sanitary and in good repair.

Regulation 14. Garbage and waste material. Garbage and all waste material must be removed from premises in places where formula milk is prepared, handled or kept and such garbage and waste material shall be deposited in metal cans with tight fitting metal covers which shall be used exclusively for this purpose. Covers must be kept on the cans at all times except when depositing or removing the garbage or waste material. All garbage and waste material must be removed from the premises daily. Garbage and waste cans must be thoroughly cleaned each day.

Regulation 15. Housing of animals prohibited. No animals shall be housed or kept in any formula milk establishment.

Regulation 16. Construction of apparatus. All utensils, piping, apparatus and equipment used for preparing or processing formula milk or any ingredient thereof, must be made of stainless steel or other acceptable dairy metal and must be of sanitary construction so as to enable their being taken apart readily and such utensils, piping, apparatus and equipment must be of such type that all parts are readily accessible for cleaning and inspection.

Regulation 17. Work tables and work benches. Work tables and work benches shall be of sanitary construction and shall be made of metal or other impervious material.

Regulation 18. Use of rusted or worn utensils prohibited. The use of any utensil, piping, apparatus or equipment for the preparation, handling, bottling or storing of formula milk which is in such condition that it cannot be rendered clean and sanitary by washing or which is badly worn, rusted or corroded is prohibited.

Regulation 19. Plumbing. Plumbing and plumbing fixtures throughout all rooms in buildings where formula milk is prepared shall be kept in a sanitary condition and be so installed as to prevent possible contamination of the water distribution system of the building. All water supplied fixtures in buildings where formula milk is prepared shall conform to the requirements established in "The Rules Relative to Submerged Inlets and Protective Methods to be Applied to Prevent Contamination of Water Supply" as adopted by the Board of Standards and Appeals.

Regulation 20. Wash rooms. A separate wash room must be provided for the purpose of washing containers and small utensils such as ladles, dippers, valves, pipes, etc. This wash room must be completely separated from preparation and bottling rooms and shall not lead or open directly into the formula milk preparation or bottling rooms. Separate floor drains for this room shall be provided and no water used for flushing or washing pipes shall be permitted to flow from this room into any other room. Bottles shall be rinsed free of all contamination immediately after being returned from customers and shall be washed and sterilized immediately prior to being filled.

Regulation 21. Equipment of wash rooms. Washing rooms must be equipped with adequate facilities for the rinsing, washing and sterilizing of all containers and must be adequately provided with running hot and cold water.

Regulation 22. Equipment racks. Metal racks should be provided for the storing of utensils and equipment after sterilization.

Regulation 23. Process of cleaning and sterilizing. The process of cleaning and sterilizing tanks, racks, apparatus, equipment, utensils, containers and tables used in handling and storing of formula milk, shall be performed in a manner provided for in Regulations 126a, 126b, 126c and 126d of Section 156 of the Sanitary Code relating to milk and milk products.

Regulation 24. Prohibition against use of returned bottles. No bottles or containers shall be returned to the plant from households in which a case of contagious disease exists until the expiration of the period of isolation for such disease.

Regulation 25. Restriction on wash room employees. No employee engaged in the washing and sterilizing of returned bottles or in the washing and sterilizing of equipment in formula milk establishments, shall be permitted to engage in any other activity relating to the handling or preparation of formula milk except after a complete change of uniform and thorough washing of hands.

Regulation 26. Heating equipment.

(a) All apparatus or equipment used for processing formula milk shall conform to specifications approved by the Department of Health.

(b) All apparatus or equipment used for sterilizing formula milk shall be provided with recording and indicating thermometers approved by the Department of Health.

(c) The recording thermometers shall be kept in such working order as to record the time and temperature of the product during the process of sterilization. Recording thermometer charts shall be dated by the person in charge of processing prior to being placed in the recording clock. After completion of the formula sterilizing process they shall be signed by the person in charge of the processing and be kept on file at the plant for at least six months.

Regulation 27. Formula preparation room. A separate room for mixing, heating, preparing and bottling formulae shall be provided. No unsterilized bottles shall be brought into the formula preparation room at any time. The equipment and apparatus used in this room during operation shall not occupy a floor area in excess of 25% of the total floor area of the room. No overhead water, steam or sewer piping will be permitted in this room. This room shall be provided with a hot and cold water supplied hand wash sink which shall be operated by foot, knee or elbow control.

Regulation 28. Supervision. A specified person having the training of a milk sanitarian, bacteriologist, nurse, dietitian or physician shall be designated to be on duty at all times during operation at each formula milk manufacturing plant.

Regulation 29. Health of employees; medical certificate required.

(a) No person who is affected with any disease in a communicable form or who is a carrier of such disease, shall work in any place where formula milk is prepared, handled or kept and no operator of a formula milk plant shall employ any such person or a person suspected of being affected with any disease in a communicable form or of being a carrier of such disease.

(b) All personnel prior to being engaged to work in a formula milk establishment, must be examined by a duly licensed physician and be certified by such physician as showing no evidence of communicable disease or of being a carrier of a communicable disease. Such certification shall be made only after an adequate medical examination and after adequate laboratory examinations by a laboratory under permit of the Department of Health.

(c) Medical certificates signed by the examining physician shall state the date of examination and shall be good for three months.

(d) All personnel employed in the plant shall immediately report any illness, however slight, to a physician designated by the manager.

(e) Individuals absent from duty because of any illness whatever shall not be permitted to resume work until examined by a physician and certified by him in writing to be free from any condition that may endanger the health of infants using the formula milk.

(f) All such certifications shall be kept on file at the plant and shall be open to inspection by a representative of the Department of Health during normal hours of operation.

Regulation 30. Employees not to be in contact with sick persons. No employee in formula milk establishments shall engage in nursing sick persons.

Regulation 31. Habits of employees. All employees shall be scrupulously clean in person at all times and shall wear clean, washable outer clothing and caps during hours of work.

All persons immediately before engaging in the preparation or handling of formula milk shall thoroughly wash their hands with warm water and soap and shall thereafter keep their hands clean during such preparation and handling.

Regulation 32. Smoking and spitting. Smoking, spitting or chewing tobacco are prohibited at all places where formula milk is prepared, handled or kept. Warning notice against such practices shall be posted in the establishments.

Regulation 33. Dressing rooms and lockers for employees. A suitable dressing room or rooms shall be provided for all employees and suitable metal lockers shall be provided for the clothing of such employees.

Dressing rooms shall be separate and apart from any room in which formula milk or the ingredients thereof are prepared, handled and kept.

Regulation 34. Raw materials. All raw materials used in the preparation of formula milk, shall be sound, wholesome and safe for human consumption and no unsound or wholesome ingredients or food shall be held or kept at a formula milk plant.

Regulation 35. Quality of milk and milk products to be used. All milk and milk products used in the preparation of formula milk shall conform to the regulations of the Department of Health governing standards and requirements for milk and milk products.

Regulation 36. Sterilization of products.

(a) All formula milk shall be subjected to a heat treatment in the final container after bottles are capped or covered. The heat treatment should be sufficient to render the product sterile.

(b) Bottles of formula milk shall be cooled to below 50° Fahrenheit immediately after sterilization and shall be kept at that temperature or lower at all times until delivered to the consumer.

Regulation 37. Procedure governing enforcement of bacterial standard. Periodic samples for bacteriological examination of formula milk shall be taken by the Department of Health. If as a result of the bacteriological examination of such samples, it appears that the formula milk is not sterile, a written notification to such effect shall be sent to the persons manufacturing or shipping such formula milk into The City of New York. Thereafter and within the time specified in said written notice, additional samples shall be taken by the Department of Health and if the formula milk is again found to be non-sterile, the Department of Health will take immediate steps to exclude said formula milk from The City of New York. The provisions of this regulation shall not, however, be construed as limiting the power and authority of the Department of Health to exclude formula milk which has been found to have, or has been suspected of containing, pathogenic bacteria or which has been found to be adulterated under the provisions of the Sanitary Code of The City of New York or any state or United States statute.

Regulation 38. Bottles, caps and nipples.

(a) Formula milk may be delivered only in individual bottles.

(b) Caps or covers used for formula milk bottles must be of such nature as to effectively seal and protect the mouth of the bottles and shall be placed on the bottles immediately after filling and before sterilization of the milk. Where fastening or affixing of caps or covers is necessary after sterilization, such fastening or affixing shall be accomplished by mechanical means.

(c) The use of rubber nipples as caps or covers for bottles is prohibited and rubber nipples may not be supplied by formula milk permittees.

Regulation 39. Labeling of formula milk. Each bottle used for the transfer, delivery or sale of formula milk or each box or carton containing a daily quota of formula milk for individual customers shall have a label securely attached which shall bear the following information conspicuously printed or typed thereon:

1. The name and address of the operator of the plant where the milk was prepared.
2. The designation "Infant Formula Milk."
3. The day and the period of the day in which the milk was prepared.
4. The full name and address of the child for whom the milk is intended.
5. A statement to the effect that milk must be kept at a temperature of 50 degrees Fahrenheit or lower.

Regulation 40. Time limit on delivery of formula milk. No formula milk is to be delivered later than the day of its preparation.

Regulation 41. Keeping of records.

1. Every processor of formula milk shall keep in a form acceptable to the

Department of Health a true and correct record showing the milk and milk products received and the formula milk manufactured. Such records shall show among other things the amount and type of milk and milk products received for processing.

2. Date of their receipt.
3. The name and address of the person from whom purchased or obtained.
4. The name and address of the physician prescribing each formula.
5. The name and address of the person for whom the formula is prepared.
6. The physicians' prescriptions which are filled and a record of the formulas prepared in accordance with such prescriptions.

The records required by this regulation shall be legibly written and shall be kept at the plant for a period of three months and shall be open for inspection by representatives of the Department of Health during normal hours of operation.

Regulation 42. The filing of milk and milk products labels.

Immediately after containers of milk and milk products or mixtures thereof are emptied at any formula milk plant, the tags, caps or other labels thereon shall be removed, dated to show the day of use of the contents and be kept on file at the plant for a period of two months for inspection by representatives of the Department of Health. (*Adopted June 4, 1947.*)

§175. Frozen desserts and ice cream mix; manufacture and sale regulated; definitions.
(*Amended by resolution filed with City Clerk May 17, 1941 and published in The City Record May 20, 1941.*)

1. No person shall bring into the City of New York, manufacture, or have, keep, offer for sale or sell in said City, any frozen dessert or ice cream mix, except in accordance with the regulations of the Board of Health and under the following designations as herein defined and not otherwise:

- "Ice Cream"
- "Ice Cream Mix"
- "Frozen Confection"
- "Milk Sherbet"
- "Ice or Ice Sherbet".

2. Unless otherwise expressly stated herein, whenever used in the Sanitary Code or the regulations thereunder, the following terms shall be taken to mean and include:

(a) "Frozen desserts". The products herein defined as ice cream, frozen confection, milk sherbet, ice or ice sherbet and imitation ice cream.

(b) "Ice cream". The pure, clean and wholesome frozen product made from milk products and with or without the use of sugar, water, eggs, harmless flavoring or coloring, or added stabilizer composed of wholesome edible material and in the manufacture of which freezing has been accompanied by agitation of the ingredients. It shall contain not less than ten per centum (10%) by weight of milk fat and not less than eighteen per centum (18%) by weight of total milk solids, except that, when there have been added to such product fruits, nuts, cocoa or chocolate, maple syrup, cakes or confections for flavoring purposes, the resulting product shall contain not less than eight per centum (8%) by weight of milk fat, and not less than 14 per centum (14%) by weight of total milk solids.

(c) "Ice cream mix". The pure, clean, wholesome, unfrozen mixture to be used in the manufacture of ice cream containing in whole or in part the ingredients enumerated under the definition of ice cream.

(d) "Frozen confection". The pure, clean and wholesome frozen product made from milk products and sugar, with harmless flavoring, with or without harmless coloring or added stabilizer composed of wholesome, edible materials; and in the manufacture of which freezing has not been accompanied by agitation. It shall contain not less than ten per centum (10%) by weight of milk fat and not less than eighteen per centum (18%) by weight of total milk solids; except when there have been added to such product fruits, nuts, cocoa or chocolate, maple syrup, cakes or confections for flavoring purposes, the resulting product shall contain not less than eight per centum (8%) by weight of milk fat and not less than fourteen per centum (14%) by weight of total milk solids.

(e) "Milk sherbet". The pure, clean and wholesome frozen product made from milk products, water and sugar, with or without harmless flavoring or coloring or added stabilizer composed of wholesome, edible material. It shall contain not more than five per centum (5%) by weight of total milk solids.

(f) "Ice or ice sherbet". The pure, clean and wholesome frozen product made from water and sugar with harmless flavoring or coloring, with or without added stabilizer composed of wholesome, edible material and contains no milk solids.

(g) "Imitation ice cream". Adulterated ice cream, or any frozen substance, mixture or compound, regardless of the name under which it is represented, which is made in imitation or semblance of ice cream or is prepared or frozen as ice cream is customarily prepared and frozen and which is not ice cream, frozen confection, or milk sherbet as hereinabove defined.

(h) "Milk products". As used in this section or other sections or regulations pertaining to frozen desserts, the term "milk products" shall include pure, clean and wholesome cream, butter, butter oil, milk, evaporated milk, skimmed milk, condensed milk, sweetened condensed milk, condensed skimmed milk, sweetened condensed skimmed milk, dried milk and dried skimmed milk.

(*Par. h of Subd. 2 amended by resolution filed with City Clerk January 30, 1945 and published in The City Record January 31, 1945.*)

REGULATIONS UNDER §175, GOVERNING THE MANUFACTURE AND SALE OF FROZEN DESSERTS IN THE CITY OF NEW YORK.

Regulation 1. Permits. Permits for the manufacture, sale, transportation and distribution of frozen desserts, are divided into five (5) classes, as follows:

Class "A" Permit; to manufacture frozen desserts at wholesale. This permit shall entitle the holder thereof to manufacture, sell, transport and distribute frozen desserts, in the City of New York, and to maintain a frozen desserts manufacturing plant, and frozen desserts depot therefor, at the same premises.

Class "B" Permit; to manufacture frozen desserts at retail. This permit shall entitle the holder thereof to manufacture frozen desserts and to sell same at retail on the premises where manufactured and to maintain a frozen desserts manufacturing plant at the said premises in the City of New York.

Class "C" Permit; to wholesale dealer or jobber (non-manufacturer) to sell frozen desserts at wholesale. This permit shall entitle the holder thereof to sell, transport and distribute frozen desserts in the City of New York, obtained from manufacturers who are holders of permits under subdivision A or D herein, and to maintain a frozen desserts depot therefor, in the City of New York.

Class "D" Permit; to bring into the City of New York frozen desserts. This permit shall entitle the holder thereof to bring into the City of New York frozen desserts from a frozen desserts manufacturing plant outside of the City of New York, which frozen desserts manufacturing plant has been approved as sources of supply, by the Board of Health of the City of New York, to sell, transport and distribute the same in the City of New York.

Class "E" Permit; for an additional frozen desserts manufacturing plant and/or additional frozen desserts depot. Where a holder of a frozen desserts permit, of Class A, C or D, as mentioned in Section 177 of the Sanitary Code, desires to maintain and operate an additional frozen desserts manufacturing plant or an additional frozen desserts depot, a separate permit must first be obtained. No such additional frozen desserts manufacturing plant and/or frozen desserts depot shall be maintained or operated in the City of New York or elsewhere without a permit therefor, issued by the Board of Health.

Every such additional plant or depot must be maintained and operated in accordance with regulations governing the maintenance and operation of frozen desserts manufacturing plants and frozen desserts depots.

All class "E" permits shall automatically expire with the revocation or expiration of the corresponding Class A, C or D permit herein referred to, or when maintenance or operation of the "principal frozen desserts manufacturing plant", or the "principal frozen desserts depot", herein referred to, is discontinued by the person, firm or corporation, to which the permit was issued.

Regulation 2. Plants and depots.

(a) Every wholesale manufacturer of frozen desserts shall provide and maintain a suitable frozen desserts manufacturing plant, and frozen desserts depot, which shall be located in the same premises.

(b) Every retail manufacturer of frozen desserts shall provide and maintain a suitable frozen desserts manufacturing plant at the premises where same is sold at retail.

(c) Every holder of a Class "C" permit shall provide and maintain a suitable frozen desserts depot within the City of New York, except when

the holder of a Class "A" permit, from whom the Class "C" permittee purchases frozen desserts, has filed with the Department of Health of the City of New York, a statement to the effect that said Class "C" permittee has been given the privilege to use his frozen desserts depot for the purpose of storing frozen desserts.

(Adopted July 11, 1933 and amended May 1, 1934.)

(d) All frozen desserts manufacturing plants and frozen desserts depots must be located in the City of New York, except that the frozen desserts manufacturing plant maintained by the holder of a permit to bring into the City of New York, frozen desserts, may be located outside of the City of New York, but not more than 10 miles from the City of New York.

(e) All frozen desserts manufacturing plants and frozen desserts depots must be maintained and operated in the manner provided for in these regulations.

Regulation 3. Plants and depots to be used exclusively by one concern. Two or more individuals or concerns engaged in the business of manufacturing, handling, storing, offering for sale or selling frozen desserts, shall not jointly share, occupy or use the same premises, as a frozen desserts manufacturing plant or frozen desserts depot.

Exception to this rule may be granted by the Board of Health to permit a subsidiary or affiliate corporation, engaged in the business of manufacturing, handling, storing, offering for sale or selling frozen desserts, jointly to share, or use a frozen desserts manufacturing plant, or frozen desserts depot, with the parent or principal corporation.

In cases of such dual occupancy or use however, each corporation jointly occupying or using a frozen desserts manufacturing plant, or frozen desserts depot, shall file with the Department of Health a signed statement, assuming jointly and severally legal responsibility for infractions of the Sanitary Code or regulations of the Department of Health found at any frozen desserts depot so jointly occupied or used.

Regulation 4. Location of frozen desserts manufacturing plants and frozen desserts depots. Frozen desserts manufacturing plants and frozen desserts depots shall be so located as to insure proper shelter and drainage.

Regulation 5. Objectionable surroundings; cellar premises, exceptions.

(a) No frozen desserts, shall be manufactured or exposed in any room which is dark, poorly ventilated or insanitary, nor in any room or rooms which have direct connection with any stable, garage for more than two cars, manure chute, manure storage rooms, or pit, or room used for the storage or handling of any offensive material or substance, or room which is insanitary, or room which is used for cooking, household living purposes, or for sleeping purposes, or room which is used for the purpose of repairing autos, or other vehicles, or for other repair or renovating work.

(b) No frozen dessert shall be manufactured or exposed in a cellar. Provided, however, this provision shall not apply:

1. To cellar premises wherein frozen desserts have been manufactured pursuant to a permit from the Board of Health issued prior to July 11, 1933 and wherein the business of manufacturing frozen desserts has not been discontinued for a period of one (1) year or more, or

2. To cellar premises where, in the opinion of the Board of Health, satisfactory sanitary precautions have been provided, including mechanical ventilation of all parts of the cellar used for the manufacture and storage of frozen desserts. An applicant for a permit to manufacture frozen desserts in a cellar pursuant to this exception shall submit with his application, duplicate copies of the plans of said frozen desserts manufacturing plant, properly drawn to scale, and of specifications including the mechanical ventilation, drainage and plumbing system in said cellar.

Where cellar premises are used for the manufacture and storage of frozen desserts under either of the aforesaid exceptions, the cellar premises shall be rat-proofed, and no house drain, soil or waste pipe, water line or other pipe, unless properly enclosed and protected against leakage from condensation or otherwise, shall be permitted overhead in any part of such cellar used for the manufacture or storage of frozen desserts.

(Adopted July 11, 1933 and amended June 11, 1940.)

Regulation 6. Lavatory. Adequate lavatories and a sufficient number of toilets shall be provided. Lavatories shall have an adequate number of basins and faucets and soap, and a supply of running hot and cold water shall

be provided. Suitable and sufficient individual towels must also be provided, and signs or notices posted to the effect that employees must wash their hands after visiting the toilets, before returning to work, and operators of frozen desserts manufacturing plants and frozen desserts depots must compel employees to wash hands as directed.

Regulation 7. Water closet compartments. Every water closet compartment, except when provided with mechanical means of ventilation, or with ventilation from skylights shall have a window, at least one foot by three feet, between stop-beads, opening to the external air, and the entire window shall be made so as readily to open, or an opening, connected with the external air, measuring at least 144 square inches for a water closet and urinal, with an increase of 72 inches for each additional water closet and/or urinal. The door or doors of the water closet compartment shall be self-closing. Where the water closet is in direct communication with the room in which frozen desserts or ingredients used therein, are exposed, packed, handled, stored, manufactured, offered for sale or sold, if required by the Department of Health, a suitable and properly lighted and ventilated vestibule shall be provided. The door of the vestibule shall be self-closing. All water closet fixtures, water closet compartments and vestibules shall be maintained in a clean and sanitary condition and in good repair.

Regulation 8. Size of room. All rooms must be ample in size, to avoid over-crowding, and ceilings of all rooms, except refrigerator rooms, must be at least eight and one-half ($8\frac{1}{2}'$) feet above the floor area. Depot must be well lighted, so that inspections can be readily made. An exception to this regulation may be granted by the Board of Health in that, wherein a permit to manufacture frozen dessert in rooms, the ceilings of which are less than eight and one-half ($8\frac{1}{2}'$) feet above the floor area, has been approved by said Board of Health, prior to the adoption of this regulation, reapproval of such premises for the manufacture of frozen dessert may be granted.

Regulation 9. Rooms to be separated from public rooms. All rooms in wholesale frozen desserts manufacturing plants shall be completely separated, by tight partitions, from any room to which persons other than the manufacturer, or persons employed by him, have access.

Regulation 10. Floors. Floors shall be properly constructed of concrete or similar non-absorbent material, which can be flushed and washed clean with water. Floors shall be properly graded and sloped sufficiently to one or more outlets, into a properly trapped, sewer connected, drain pipe.

Regulation 11. Walls and ceilings. Walls and ceilings in all rooms used for the mixing, pasteurizing, freezing, chilling, storing and hardening of frozen desserts shall be constructed of metal, glazed tile, concrete, or other material impervious to moisture.

They shall be of smooth surface and kept clean. All walls, except those of glazed tile, shall be painted with a light color, waterproof paint. Walls shall have cove bases of concrete or tile set in concrete.

Regulation 12. Light and ventilation; elimination of flies. All rooms in which frozen desserts, are manufactured, handled or stored, and utensils washed or stored, must be properly lighted and ventilated. Mechanical ventilation must be provided where necessary. A sufficient number of windows or skylights to the outside air must be provided where same is possible, in all rooms except refrigerating rooms. Openings into the outer air shall be effectively screened and doors shall be self-closing, unless other effective means are provided to eliminate flies or prevent their access. (*Adopted July 11, 1933, amended February 11, 1941.*)

Regulation 13. Ice-boxes and refrigerating rooms; drain pipe to discharge into open sink; exceptions. Ice-boxes, or refrigerating rooms, of sufficient capacity for the storage of all perishable products, including milk and milk products, handled or stored, must be provided at all frozen desserts manufacturing plants and frozen desserts depots, and all perishable frozen foods products shall be kept or stored therein. No drain pipe from a refrigerator shall be connected with the soil or waste pipe, but it shall discharge into a properly trapped, sewer-connected, open sink which shall be kept properly cleansed, except where another method of drainage has been approved by the Department of Health. Provided, however, that the drain pipe from an ice-box or other refrigerated container using ice, which has a food storage capacity not greater than five (5) cubic feet, may discharge into a pail or other watertight receptacle. (*Amended June 9, 1936.*)

Regulation 14. Separate wash room. A wash room must be provided for the purpose of washing and sterilizing containers. This wash room must be completely partitioned from all other rooms, and the doors therefrom leading into manufacturing, handling or storage rooms must be self-closing. Drainage from this room shall not be permitted to flow into any manufacturing, handling or storage room. Requirement of a separate wash room shall apply to holders of Class A, C, D and E permits only.

Regulation 15. Manufacturing room. All operations such as mixing, pasteurizing, freezing, packing, and other incidental operations, shall be performed in the manufacturing room. If a depot where there is no manufacturing all handling, packing and other incidental operations must be performed in a handling room especially provided for the purpose.

Regulation 16. Fire place room to be partitioned. All steam boilers, except gas heated boilers, and all fire places where fuel other than gas is used, must be completely partitioned from rooms where milk or milk products or other food products are handled or stored, or containers or apparatus washed or stored.

Regulation 17. Dressing room and lockers for employees. A suitable dressing room shall be provided for employees engaged in the handling of food products, and suitable metal lockers shall also be provided for the clothing of such employees. Such lockers, however, shall not be located in any room where ice cream, frozen desserts, or ingredients used therein, are manufactured or handled. This regulation shall apply to holders of Class A, C, D, and E permits only.

Regulation 18. Employees' clothing, etc. Articles of wearing apparel and employees food shall not be kept in the rooms where frozen desserts, are made, handled or stored.

EQUIPMENT

Regulation 19. Construction of apparatus. All utensils, piping, apparatus and equipment used for a frozen dessert or any ingredient thereof must be of sanitary construction so as readily to be taken apart and such utensils, piping, apparatus and equipment used must be of such type that all parts are accessible for cleansing and for inspection.

Regulation 20. Floor supports. Floor supports of all apparatus, tables and work benches shall be of metal or other impervious material.

Regulation 21. Mold Softener. Spray mold softeners shall be installed and used where mold form frozen desserts are manufactured.

Regulation 22. Use of rusted or badly worn utensils, prohibited. The use of any utensil, piping, apparatus, equipment employed in the preparation, service, and sale of frozen desserts, which is badly worn, or is rusted, corroded, or in such condition that it cannot be rendered clean and sanitary by washing, is prohibited.

Regulation 23. Use of lead, or other metal for tanks, molds or containers, etc., that may affect liquids, or foods. No person shall use any tap, faucet, mold, utensil, or vessel, or any pipe or conduit in connection therewith, which shall be composed or made, either wholly or in part, of lead or other metal or metallic substance that is or will be affected by a liquid or frozen dessert, or any substance to be used, or used, as an ingredient thereof, so that dangerous, unwholesome or deleterious compounds are formed therein or thereby, or such that frozen dessert, or any ingredient thereof, may be made unwholesome, dangerous or detrimental to health.

Regulation 24. Plumbing. Plumbing throughout all rooms shall be kept in sanitary condition, and hose connections shall be installed where required.

Regulation 25. Pasteurization equipment, thermometers for control of processes and charts.

(a) At all places where frozen desserts are manufactured and where pasteurization of ingredients is performed, no pasteurization apparatus or equipment except that which conforms to specifications approved by the Department of Health shall be installed. Recording thermometers and indicating thermometers approved by the Department of Health must form part of the equipment of all such pasteurization apparatus. Each recording thermometer and each indicating thermometer shall be kept in such working order as to respectively record and indicate the correct temperature of the product or products during the process of pasteurization.

(b) Each recording thermometer shall have properly attached thereto for each day's operation, a chart for the recording of the temperature and time of the processing, and each such chart shall contain the following information legibly written in ink:

- (1) Name and address of plant.
- (2) Date of pasteurization.
- (3) If there is more than one pasteurization apparatus in the plant, the identity of the recording thermometer by number or location of the pasteurization apparatus to which it is attached.
- (4) The temperature as shown by a correct indicating thermometer at some designated time during the holding period of one pasteurization operation.
- (5) Weekly statement of the time accuracy of the recorder. (This information shall be sufficient if indicated on one of the charts used during each week.)
- (6) Amount and character of product pasteurized.
- (7) Explanation of unusual occurrences.
- (8) Signature of person in actual charge of pasteurization operations.

Items 1, 2 and 3 shall be shown on the chart before being placed in the temperature recording device. All charts are to be kept on file at the plant for a period of at least six (6) months.

(Amended May 10, 1939, May 13, 1941.)

Regulation 26. Water supply. The water supply for washing equipment, apparatus and containers shall be free from contamination and shall be from inspected and approved sources.

Regulation 27. Equipment of wash room. Each wash room at premises where frozen desserts are manufactured, handled, or stored, must be equipped with adequate facilities for the washing, rinsing and sterilizing of all containers and utensils. Parts of machinery or equipment may be washed and sterilized outside of said wash room.

Regulation 28. Other washing and sterilizing facilities. A supply of running hot and cold water must be provided. A suitable steam closet adequate in size for the sterilizing of dippers, ladles and other small utensils, or other suitable facilities for sterilizing same, wherein a minimum of five (5) pounds of steam to the square inch may be applied, must also be provided.

Regulation 29. Wash tubs. Wash tubs must be of non-absorbent material and, if sewer connected, must be properly trapped.

Regulation 30. Metal container drying rack. Where metal containers are used adequate drying racks, constructed of metal, must be installed for the drying of same, except wherein such containers are dried by mechanical means.

METHODS

Regulation 31. Premises to be kept clean and sanitary. Floors, walls, ceilings, ledges, windows and tables, shelves, and the fixtures in all rooms, including cellars, closets, stairways and passage-ways, and outside premises, including yards, area-ways, drive-ways and alleys contiguous thereto, shall be kept in a clean and sanitary condition, and at all times free from rubbish, refuse, rats and other vermin.

Regulation 32. Vehicles, platforms and racks. All vehicles, platforms and racks used in the preparation of frozen desserts shall be kept clean, sanitary and in good repair.

Regulation 33. Method of cleansing and sterilizing. All freezing vats or mixing cans of tanks, piping, and all utensils used as containers for frozen desserts or components thereof, and all tools used in the making or handling of frozen desserts shall be dismantled and properly cleansed and sterilized after each day's use, and no such apparatus, utensil or tool shall, under any circumstances, be used again after a day's use, unless it shall have been, after previous day's use thereof, so cleansed and sterilized.

The term "day's use", as used herein, shall be taken to mean either continuous or intermittent use of not more than eight (8) hours duration. Sterilization of tools, utensils, and apparatus must be performed with live steam, boiling water, or other process of sterilization approved by the Board of Health of the City of New York.

Regulation 34. Containers. Shipping bags and containers shall be clean and dry when leaving the frozen desserts plant or depot.

Regulation 35. Pasteurization and storage of milk and milk products. All milk and milk products used in the manufacture of frozen desserts shall be pasteurized in a plant and with equipment conforming to the regulations of this Department governing pasteurization of milk and milk products by heating every particle to a temperature of not less than one hundred and forty-three degrees Fahrenheit (143° F.) and holding at such temperature for not less than thirty minutes and cooling to a temperature of not more than fifty degrees Fahrenheit (50° F.). The following shall be deemed to have met the foregoing requirement.

- (a) Milk and milk products pasteurized in a plant which has been found to be meeting the requirements of the Sanitary Code of the Board of Health of the Department of Health of the City of New York.
- (b) Evaporated, condensed or dried milk.
- (c) Evaporated, condensed or dried skimmed milk.
- (d) Butter, butter oil.

Whenever any ingredient is mixed with any unpasteurized milk or unpasteurized milk product to be used in the manufacture of frozen desserts, such mixture shall be pasteurized by heating every particle to a temperature of not less than one hundred and fifty-five degrees Fahrenheit (155° F.) and holding at such temperature for not less than thirty minutes, after which the mixture shall be cooled immediately to a temperature of not more than fifty degrees Fahrenheit (50° F.). After pasteurization, all milk and milk products, whether unmixed or mixed with any other ingredients, shall be stored at a temperature of not more than fifty degrees Fahrenheit (50° F.) until subjected to freezing. The foregoing provision shall not apply to sterilized evaporated milk or sweetened condensed milk when in hermetically sealed containers, nor shall it apply to dried milk or dried skimmed milk.

(Amended May 10, 1938, January 23, 1945.)

Regulation 36. Raw materials. All raw material used in the manufacture of frozen dessert shall be sound, wholesome and safe for human consumption, and shall conform to the State and Federal Food Laws, and no unsound or unwholesome food, shall be kept or stored at a frozen desserts manufacturing plant or frozen desserts depot for any purpose whatsoever.

Regulation 37. Bacterial content. Frozen desserts containing more than 100,000 colonies of bacteria per gram in the melted product, as determined by the standard plate method, shall not be brought into the City of New York, manufactured or held, kept, or offered for sale in the City of New York. *(Amended May 13, 1941.)*

Regulation 38. Melted or partly melted product. Frozen desserts, which have become melted or partly melted, shall not be re-frozen, except after same has been re-pasteurized, or subjected to a temperature of (155° F.) for not less than 30 minutes. Provided, however, that frozen desserts which have become melted, or partly melted, shall not be re-frozen if containers or packages have been opened, or become broken after having been removed from place of manufacture. No melted frozen dessert as herein referred to shall be re-pasteurized or re-frozen if same is unclean, contaminated or unwholesome. No partly filled cans or containers of bulk frozen dessert shall be delivered to the dealer. *(Amended May 9, 1939.)*

Regulation 39. Quality of milk and milk products to be used. Quality of milk and milk products used in the manufacture of frozen desserts shall conform to the regulations of this Department, governing the standards and requirements for milk and milk products, as adopted by the Board of Health of the City of New York. *(Amended May 13, 1941.)*

Regulation 40. Ice cream and other frozen desserts in same container regulated. No manufacturer of frozen desserts shall pack ice cream with other types of frozen desserts for distribution or sale in containers of more than one quart capacity, except when done for flavoring purposes and in such case the container shall be labeled as "Ice Cream" and the product shall be so manufactured that each portion when served to the consumer will contain the minimum butter fat and total solids required for ice cream. *(Adopted Aug. 31, 1943.)*

Regulation 41. Paper covers for cans. All cans of frozen dessert must be topped with clean new white or light colored paper, or other material ap-

proved by the Department of Health, for such purpose and such paper and material together with paper or material used to line containers prior to use, must be stored and handled in a sanitary manner. Printing thereon shall be of harmless ink.

Regulation 42. Holders or holding sticks. Wherein holders or holding sticks are used in the manufacture or preparation of frozen desserts, they shall be constructed of clean wood or other suitable material, which has been sterilized. The re-use of such holders, or holding sticks is prohibited.

Regulation 43. Package form containers. Frozen desserts in forms known to the trade as "popsicles", "pops", "bricks", or similar forms, shall not be kept, held, offered for sale or sold otherwise than in suitable individual dust proof containers or wrappers, which shall completely cover and protect all edible substances in such "popsicles", "pops", "brick" or similar form, and which shall be applied to said forms at the place of manufacture.

Exception. Containers or wrappers referred to in this regulation shall not be deemed necessary where popsicles, pop, brick or frozen dessert in similar form is manufactured at a retail store or stand, and not exposed to dust, air or other possible contamination until it is delivered to the consumer for immediate consumption on or at the premises where manufactured.

Regulation 43a. Handling of frozen desserts mix and frozen desserts at wholesale manufacturing establishments. All ice cream mix and other frozen desserts mix conveyed to freezers or molds, or from pasteurizing tanks, mixing vats or storage vats, shall be conveyed through "sanitary piping" which can be readily taken apart and cleansed.

All frozen desserts must be placed in final containers immediately after leaving the freezer or enclosed hopper adjacent to the freezer. Provided, however, where individual "cups", "bricks", "molds", "pop molds", or similar containers, not including fancy forms, are filled, the frozen desserts shall be conveyed through "sanitary piping" from the freezer or enclosed adjacent hopper to a mechanically operated filling device of sanitary construction for the purpose of being placed into the molds or final containers. The filling of fancy forms, which cannot be done mechanically, shall be carried out under scrupulously clean and sanitary conditions. This regulation shall apply only to wholesale manufacturing establishments.

(Adopted November 9, 1938.)

Regulation 44. Filling of molds and cups. The filling and capping of cups and similar containers and the filling of molds for frozen desserts, and the insertion of sticks of other holders therein shall, in a wholesale manufacturing plant, be done by mechanical apparatus. The mechanical filling apparatus shall be of such construction as to supply a sufficient quantity of the product to properly fill each container or mold pocket and to eliminate manual scraping, leveling or other human handling.

No filling, capping, packing, wrapping or similar handling shall be performed at any place other than at a frozen desserts manufacturing plant. However, this shall not be deemed to prohibit the necessary handling involved in the dispensing of frozen desserts at retail establishments.

(Amended November 9, 1938.)

Regulation 45. Storage of empty cans. The storage of empty cans or other receptacles used for frozen desserts, on roadways, sidewalks, or in alleys, is forbidden. All such containers must be rinsed and freed from remnants of products immediately after being emptied. These containers must be washed and sterilized immediately upon their return to the frozen desserts manufacturing plant and after such washing and sterilization shall be stored in such manner to protect them from contamination.

Regulation 46. Habits of employees. All frozen dessert work room employees shall be clean in person at all times, and shall wear clean washable outer clothing and caps. All persons, immediately before engaging in the mixing of ingredients entering into the composition of frozen desserts, or its subsequent freezing or handling, shall thoroughly wash their hands, and shall thereafter keep them clean during such manufacture and handling. No employee shall touch the product with his hands, except those specifically designated to cut and wrap brick frozen desserts or pops, and to fill fancy molds, and they shall at all times be scrupulously clean regarding person and clothing.

Regulation 47. Smoking and spitting. Smoking and chewing tobacco and spitting are prohibited at all places where frozen desserts, are manufactured, stored or handled, and warning notices regarding such practices must be posted.

Regulation 48. Garbage and waste material. Garbage and all waste material must be removed from rooms in places where frozen desserts are manufactured, stored or handled, and such garbage and waste material shall be deposited in metal cans with tight fitting metal covers, provided exclusively for this purpose. Covers must be kept on the cans at all times, except when entering or removing the garbage and waste material. All garbage and waste material must be removed from premises daily, and garbage and waste cans must be thoroughly cleaned each day.

Regulation 49. Housing of animals prohibited. No animals, excepting cats, shall be housed or kept in any room where frozen desserts are exposed, packed, handled, stored, manufactured, offered for sale or sold.

Regulation 50. Records to be kept. Every manufacturer of frozen desserts shall keep in the form prescribed by the Department of Health for each frozen desserts plant operated by him a true and correct record showing milk and milk products received and frozen desserts manufactured. Such record shall show among other things:

- (a) As to milk products received.
 - (1) The date of receipt.
 - (2) The weight or volume.
 - (3) The kind of milk product or mixture containing a milk product.
 - (4) The percentage of milk fat contained therein.
 - (5) The name and address of the person from whom purchased or obtained.
- (b) As to frozen desserts manufactured.
 - (1) The date.
 - (2) The volume.
 - (3) The class of frozen desserts.
 - (4) The average percentage of milk fat contained therein.

Not later than the tenth day of each month, an inventory shall be prepared showing the amount of each kind of milk product, mixture containing a milk product, and frozen desserts on hand, as of the last day of the preceding month. The records required by this regulation shall be legibly written in English, shall be preserved at the frozen desserts plant for a period of six months and shall be open at all times for inspection by an inspector of the Department of Health.

Regulation 51. Statistical reports to be submitted. Every manufacturer of frozen desserts for sale shall file with the Department of Health Commissioner upon a form prescribed by said Department of Health and as often as said Department shall require, a statement showing the amount of each class of frozen desserts manufactured, the ingredients used in the manufacture of such frozen desserts, and such other statistical information as the Department of Health shall require.

Regulation 52. Records. Every operator of a frozen desserts depot and frozen desserts manufacturing plant shall keep a full and true record, at such depot or manufacturing plant, of sales of frozen desserts, giving the names and addresses of customers, the dates of such sale or delivery and the amount of such sale. All such records must be kept in English and in such form and order that they may readily be checked, and must be kept at the frozen desserts depot, or frozen desserts manufacturing plant, for a period of six months, readily accessible to inspectors of the Department of Health of the City of New York. This regulation shall apply to holders of Class A, C, D and E permits only.

Regulation 53. Filing of milk and cream tags. Immediately after contents of containers of milk, cream, condensed milk or a combination or mixture thereof, are emptied at any frozen desserts manufacturing plant, or frozen desserts depot, the tag thereon shall be removed and kept on file for a period of two months thereafter at such frozen desserts manufacturing plant, or frozen desserts depot, for inspection by representatives of the Department of Health.

LABELING AND MARKING

Regulation 54. Receptacles to be marked and labeled. Each can, or other container which is used in the transportation, delivery or sale of frozen dessert, shall bear the name of the manufacturer of the frozen dessert, legibly and conspicuously embossed, pressed or stamped, or painted or printed on the

side or sides thereof, in such manner as to insure permanency. No such container shall be used for the purpose of holding, keeping, transporting or delivering frozen dessert, which container, or cover thereof, bears the name of any manufacturer of a frozen dessert, other than the name of the manufacturer, or affiliate thereof, of the product for which said container is used.

Each such can, receptacle and other container, referred to in this regulation, shall bear a label, either outside or inside of such can, receptacle or container, in such manner that it be protected against damage, upon which label shall be printed, or stamped, the name of the manufacturer, or affiliate thereof, the frozen dessert contained therein, the place of manufacture of such frozen dessert. This regulation shall apply to holders of Class A, C, D and E permits only.

Regulation 55. Labels on product in package form. When frozen desserts are held, kept, transported, offered for sale or sold, in package form, each package shall bear a label, on which shall be printed in harmless ink, the name of the manufacturer, or affiliate thereof, of the frozen dessert, the place of manufacture, and the words "ice cream", "frozen confection", "milk sherbet", "ice" or "ice sherbet", as the case may be. (*Amended May 13, 1941.*)

Regulation 56. (*Repealed. Filed with City Clerk August 12, 1943 and published in The City Record August 14, 1943.*)

Regulation 57. Proof prints of labels to be submitted. Proof prints of each label, intended for use in labeling containers, packages, or wrappers used in the transportation and sale of frozen dessert, shall be submitted in duplicate to, and approved by, the Department of Health, before such label is placed in use. This regulation shall apply to holders of Class A, C, D and E permits only.

WAGONS AND VEHICLES

Regulation 58. Wagons and vehicles. Every wagon or vehicle used in the transportation of frozen desserts shall have the name and address of the permittee operating same, and the words, "Frozen Desserts," or the words "ice cream" clearly and legibly set forth in English, in letters at least five inches in height, on the opposite sides thereof. Where such permittee operates more than one wagon or vehicle, all such wagons or vehicles shall be consecutively numbered, and no two wagons or vehicles shall be numbered alike.

RETAIL SALES

Regulation 59. Retail Establishments. In addition to the foregoing regulations, except wherein holders of Class B permits are excepted, the following regulations shall apply to holders of Class B permits and retail dealers in frozen desserts.

Regulation 60. Protection of store. Frozen desserts, kept for sale in any store, shop, stand, vehicle or other place, must be stored in a covered receptacle, or cabinet which shall be well drained and sanitary. Such receptacle or cabinet must be kept covered, except during such intervals as are necessary for the removal of the commodity.

Regulation 61. Protection of frozen desserts and equipment. Frozen dessert and equipment and utensils used in serving it, together with fruits and flavors, shall be protected from flies and other insects and from dust.

Regulation 62. Cabinet cleanliness and protection. Frozen dessert cabinets used by dealers and vendors shall be clean, present a neat appearance and be free from objectionable odor.

Regulation 63. Dippers, spoons, etc. Dippers, spoons, and other utensils, containers and apparatus used for the dispensing of frozen desserts, must be kept free from dirt and other contamination, must be handled in a sanitary manner and washed in clean hot water, containing soap or an alkaline detergent and subsequently rinsed in clean water, or cleansed by some other method approved by the Department of Health. Dippers, spoons, and other dispensing tools, shall be kept in running water during intervals between use.

Regulation 64. Use of containers.

(a) Frozen dessert cans shall be used for no other purpose than to store frozen desserts.

(b) The cabinet or package receptacle or the frozen dessert compartment of soda fountains shall be used for no other purpose than to store frozen desserts.

Regulation 65. Sale of bulk frozen desserts on street forbidden. It shall be unlawful to peddle or sell on the streets frozen desserts in any other form than the original package. (*Adopted by the Board of Health July 11, 1933.*)

Regulation 66. Self-inspection by operators. The operator of every retail food establishment shall himself be or have in his employ or engage the services of a qualified person who shall be able to make sanitary and food inspections. A qualified person shall be taken to mean a person who has taken suitable courses in food sanitation, chemistry, bacteriology, food technology, or who has had two years of practical experience in the supervision of personnel in food establishments. Such qualified person shall make inspections of the establishment at not less than monthly intervals and his findings on these inspections shall be recorded on forms approved by the Department of Health and shall be kept on file at the premises for a period of 12 months. Such inspection reports shall be open to inspection by representatives of the Department of Health at all times. (*Regulation 66 adopted May 13, 1947, effective July 1, 1947.*)

§176. Frozen desserts and ice cream mix; adulteration or misbranding prohibited. No person shall bring into the City of New York, manufacture or have, keep, offer for sale or sell in said City, any frozen dessert or ice cream mix that is adulterated or misbranded.

A frozen dessert or ice cream shall be deemed adulterated:

(1) If any substance or substances has or have been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

(2) If any inferior or cheaper substance has been substituted wholly or in part for any necessary, wholesome ingredient.

(3) If any valuable constituent of the article has been wholly or in part abstracted.

(4) If it consist wholly or in part of diseased or decomposed or putrid or rotten animal or vegetable substance.

(5) If it contain any harmful or deleterious ingredient, or any ingredient which may render it injurious to health, or if it contain any antiseptic or preservative.

(6) If it contain any color or coloring substance other than United States Department of Agriculture certified color, or harmless vegetable color, or if it contain any harmful or deleterious flavoring substance.

(7) In the case of ice cream, frozen confection, or ice cream mix, unflavored or flavored by means of flavoring extracts only, if it contain less than 10 per centum (10%) by weight of milk fat or less than eighteen per centum (18%) by weight of total milk solids.

(8) In the case of ice cream, frozen confection, or ice cream mix, to which has been added fruits, nuts, chocolate or cocoa, maple syrup, cakes or confections, for flavoring purposes, if it contain less than eight per centum (8%) by weight of milk fat, or less than fourteen per centum (14%) by weight of total milk solids.

(9) If it contain more than one-half per centum ($\frac{1}{2}\%$) by weight of pure, wholesome gelatin, vegetable gum or other harmless stabilizer.

(10) In the case of ice cream labeled, offered for sale or represented as "French Ice Cream" or "Custard" or "Frozen Custard" or any other frozen dessert wherein representation is made that egg or egg product is used, if it contain any artificial yellow color, or color simulating egg yolk, or if it contain a less proportion of clean, wholesome egg yolk solids than the equivalent of five dozen egg yolks to each ninety pounds of other ingredients used.

(11) If it contain any animal, vegetable or mineral oil, grease, fat or wax of any kind other than milk fat, except those naturally contained in the nuts, fruits or eggs used in the manufacture of frozen desserts or ice cream mix, or the fat contained in flavoring extracts prepared in accordance with the standards prescribed by the United States Department of Agriculture for food purposes.

(12) In the case of ice cream or frozen confection if it contains less than one and six-tenths pounds of total food solids per gallon. (*Subd. 12 amended by resolution filed with City Clerk June 13, 1941 and published in The City Record June 14, 1941.*)

A frozen dessert or ice cream mix shall be deemed misbranded:

(a) If it is an imitation, or offered for sale under the distinctive name of another article, or is labeled or branded so as to deceive or mislead the purchaser.

(b) If in package form and the contents are stated in terms of weight or measure, such weight or measure is not plainly or correctly stated on the outside of the package.

(c) If the package or its label shall bear any statement, design, or device regarding the

ingredients or the substances contained therein, which statement, design, or device shall be false or misleading in any particular.

(d) In the case of milk sherbet if the container, and each package, box and wrapper does not bear the words "milk sherbet" clearly and conspicuously printed thereon.

The provisions of this section shall apply to "ice cream mix," "milk sherbet" and all other frozen desserts containing milk fat or milk solids held, kept or offered for sale or sold under any distinctive name.

A frozen dessert held, kept or offered for sale or sold as "milk sherbet" which contains more than five per centum (5%) by weight of milk solids and less than ten per centum (10%) by weight of milk fat and less than eighteen per centum (18%) by weight of milk solids if unflavored, or flavored with flavoring extract only, or which contains more than five per centum (5%) by weight of milk solids and less than eight per centum (8%) by weight of milk fat, and less than fourteen per centum (14%) by weight of milk solids, if flavored with fruits, nuts, chocolate or cocoa, maple syrup, cakes or confections, shall be deemed for all purposes to be held, kept, offered for sale or sold as imitation or adulterated ice cream.

(Section amended by resolution filed with City Clerk May 17, 1941 and published in The City Record May 20, 1941.)

§177. Frozen dessert; permits regulated.

No person shall bring into or manufacture in The City of New York any frozen dessert, nor shall any person have, keep, offer for sale, sell or transport any frozen dessert at wholesale in said city, without the appropriate permit therefor, as hereinafter mentioned, issued by the Board of Health or otherwise than in accordance with the terms of said permit and with the regulations of said board.

The aforesaid permits shall be divided into 5 classes, more fully described or defined in the regulations adopted hereunder, as follows:

Class "A" Permit—to manufacture frozen desserts at wholesale.

Class "B" Permit—to manufacture frozen desserts at retail.

Class "C" Permit—to dealer or jobber to sell frozen desserts at wholesale (non-manufacturer).

Class "D" Permit—to bring frozen desserts into The City of New York.

Class "E" Permit—for an additional frozen desserts manufacturing plant and/or frozen desserts depot for a holder of a Class A, C or D permit.

All permits herein mentioned shall expire on the last day of September of each year.

The term or phrase "at wholesale" wherever used in this section or other sections or regulations pertaining to frozen desserts shall be taken to mean and include the handling, transporting, delivering, offering for sale or selling frozen desserts to dealers, restaurants, hotels, stores, stands or vehicles, for resale or further distribution, or otherwise than a retail sale direct to consumer.

The terms or phrase "Frozen Desserts Manufacturing Plants" shall be taken to mean and include any space, room or rooms, which are used in the preparation and manufacture of frozen desserts, and all operations incidental thereto.

The term or phrase "Frozen Desserts Depots" wherever used in the Sanitary Code or the regulations thereunder shall be taken to mean and include any space, room, or rooms which are used for the storage, handling, or packing of frozen desserts and all operations incidental thereto, other than the manufacture and preparation thereof.

(To take effect October 1, 1933.)

(Former §177 repealed and new §177 adopted July 11, 1933.)

§178. Food gelatin; sale of adulterated or misbranded prohibited; the term "food gelatin," "adulterated" and "misbranded" defined.

No person shall bring into, or have, keep, offer for sale, or sell, in The City of New York, any food gelatin which is adulterated or misbranded. The term food gelatin as herein used shall be taken to mean and include a purified product of gelatin prepared from the bones, hides, hoofs, horns and tissues of animals.

Food gelatin as herein defined shall be deemed adulterated:

(1) If any substance or substances has or have been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

(2) If any inferior or cheaper substance has been substituted wholly or in part for the article.

(3) If it consists wholly or in part of diseased or decomposed or putrid or rotten animal or vegetable substance, or if it is a product of a diseased animal.

(4) If it is colored or coated or powdered whereby damage is concealed or it is made to appear better than it really is.

(5) If it contains any antiseptic or preservative not evident and not known to the purchaser or consumer.

(6) If it contains more than thirty (30) parts per million of copper, or one and four-tenth (1.4) parts per million of arsenic, or one hundred (100) parts per million of zinc, or twenty (20) parts per million of lead, or three hundred (300) parts per million of tin, or two one-hundredths of one per cent (.02%) of sulphur dioxide, or any other added poisonous ingredient or any ingredient which may render it injurious to health.

Food gelatin as herein defined shall be deemed misbranded:

(a) If it is an imitation or offered for sale under the distinctive name of another article.

(b) If it is labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so; or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package.

(c) If in package form and the contents are stated in terms of weight or measure, such weight or measure is not plainly and correctly stated on the outside of the package.

(d) If the package or label shall bear any statement, design, or device, regarding the ingredients or the substances contained therein, which statement, design, or device shall be false or misleading in any particular.

(Adopted April 29, 1920.)

§179. Prohibiting the manufacture, sale and distribution of imitation milk and cream.

No person shall sell, or exchange, or offer or expose for sale or exchange, any substance in imitation or semblance of milk or cream which is not milk or cream, nor sell, or exchange, or offer or expose for sale or exchange, any such substance as and for milk or cream, or sell, or exchange, or offer or expose for sale, or exchange, any article of food made from such milk or cream, or manufacture from any such milk or cream any article of food. (Adopted March 24, 1921.)

§180. The use of unclean and unsanitary food receptacles prohibited; to be cleaned after being used.

No person shall use, or cause, or allow to be used in the transportation, storage, or delivery of food, intended for human consumption, any bottle, can, jar, box, barrel, or other receptacle which is unfit to be so used by reason of being unclean or unsanitary or in a condition that would tend to cause such food to become poisoned, infected, unwholesome, or unfit for human consumption.

It shall be the duty of all persons having in their possession bottles, cans, jars, boxes, barrels, or other receptacles containing food, intended for human consumption, which are used or intended to be again used in the transportation, storage, or delivery of such food, to clean or cause them to be cleaned immediately upon emptying.

(Adopted May 26, 1921.)

ARTICLE 10

GENERAL PROVISIONS

Section 181. Misfeasance and nonfeasance.

182. Contractors must comply with provisions of the Sanitary Code.

183. Nuisance; conditions dangerous or prejudicial to life or health; duties of persons responsible.

184. Regulations and orders; to be observed and obeyed.

185. Abatement of nuisances.

186. Interfering with or obstructing an inspector.

187. False, untruthful, or misleading statements.

188. Certificate of chemist; presumptive evidence of facts.

189. Notices not to be mutilated or torn down.

190. Clinical thermometers; sale regulated.

191. Permits, general provisions, fees.

191a. Provisions for sealing up kitchens and equipment in insanitary restaurants and other food establishments.

§181. Misfeasance and nonfeasance.

No person shall, knowingly, or carelessly or negligently, do or contribute to the doing of, any act dangerous to the life or detrimental to the health, of any human being, provided, however, that the foregoing provisions of this section shall not apply to a necessary act authorized by law, nor shall any person omit to do any reasonable and proper act, or take any reasonable or proper precaution, to protect human life and health. (S. C., §8.)

§182. Contractors must comply with provisions of the Sanitary Code.

Every contractor, to whom reference is made in the Sanitary Code, and every person who shall have contracted or undertaken, or shall be bound, to do, or shall be engaged in doing, any of the things to which any of the provisions of the Sanitary Code relate, shall comply with all provisions of the said code applying to the work undertaken or to be undertaken, and he shall not be excused for non-compliance with any of the said provisions because of any direction given by any other person. (S. C., §9.)

§183. Nuisance; conditions dangerous or prejudicial to life or health; duties of persons responsible.

It is hereby declared to be the duty of every owner, part owner, lessee, tenant, and occupant, of, or person interested in, any place, water, ground, room, stall, apartment, building, erection, vessel, vehicle, matter, and thing, in The City of New York, and of every person conducting or interested in business therein or thereat, and of every person who has undertaken to clean any place, ground, or street, in the said city, and of every person, public officer, and department, having charge of any ground, place, building, or erection, in the said city, to keep, place, and preserve the same and the sewerage, drainage, and ventilation thereof in such condition, and to conduct the same in such manner, that it shall not be a nuisance or be dangerous or prejudicial to life or health. The term "Building" as used in this section, includes a railway car, booth, tent, shop or other erection or enclosure. (S. C., §10.)

§184. Regulations and orders; to be observed and obeyed. *(Repealed by resolution filed with City Clerk November 21, 1941 and published in The City Record November 24, 1941.)***§185. Abatement of nuisances.** *(Repealed by resolution filed with City Clerk November 21, 1941 and published in The City Record November 24, 1941.)***§186. Interfering with or obstructing an inspector.**

No person shall interfere with or obstruct any inspector or other duly authorized representative of the Department of Health when making the inspections or examinations required by said Department, or when executing its orders. *(Section 186 amended by resolution filed with City Clerk May 14, 1942 and published in The City Record May 16, 1942.)*

§187. False, untruthful, or misleading statements.

No person shall knowingly make to, or file with, the Department of Health, or any officer thereof, any false return, statement or report relative to any matter concerning which a report or return may be legally required of, or should be made by, such person; and no person shall make any false, untruthful or misleading statement in any application to, or filed with, the Department of Health or any officer thereof, for a permit or for any purpose for which an application may be required. (S. C., §15; amended September 13, 1937.)

§188. Certificate of chemist; presumptive evidence of facts.

Every certificate duly signed and acknowledged, of a chemist, analyst, or other expert, employed by the Department of Health of The City of New York, relating to any analysis, examination, or investigation, made by such chemist, analyst, or expert in respect to any matter, product, or thing, which the said Department has authority to examine or investigate, or may cause to be examined or investigated, shall be presumptive evidence of the facts therein set forth. *(§188 amended by resolution filed with City Clerk May 14, 1942 and published in The City Record May 16, 1942.)*

§189. Notices not to be mutilated or torn down.

No person shall interfere with or obstruct, mutilate, or tear down, any notice of the Department of Health posted in or on any premises in The City of New York. (S. C., §137.)

§190. Clinical thermometers; sale regulated. *(Repealed March 9, 1937.)***§191. Permits, general provisions, fees.**

(a) A permit issued by the Board or Commissioner of Health, pursuant to any provision of the Sanitary Code is issued to a particular individual, firm or corporation and for a designated place of business mentioned in the permit and shall not be valid for use by any other person or at any place other than that for which issued and any transfer as to person or place shall forthwith revoke and terminate such permit. Provided, however, that upon the approval in writing by the Commissioner of Health, a permit to conduct the business of undertaking, or the business of adding chemicals to the water supply, or the business of fumigation or extermination, or a permit for an owner or employee-fumigant or exterminator operator, may be continued in full force and effect for the period issued at the new designated premises where the place of business or residence designated in the permit has been

changed. Upon the approval in writing of the Commissioner of Health, a permit issued to two or more persons may be continued in full force and effect for the period issued where a change of ownership has occurred in which no new person has been added or substituted.

(b) Applications for permits shall be made to the Department of Health upon official forms furnished for such purpose and shall be signed by the applicant and all necessary information required by the Department of Health shall be fully stated in said application. The applicant shall agree to assume complete responsibility for the sanitary conduct of the business for which application for a permit or the renewal of a permit is made and for compliance with all Federal, State and Municipal laws, rules and ordinances pertaining thereto. No person shall make any false, untruthful or misleading statement in any application for a permit from the Board or Commissioner of Health or in any papers submitted in support of said application. Every applicant for a permit shall be at least 21 years old. (*Subd. b amended by resolution filed with City Clerk November 16, 1944 and published in The City Record November 20, 1944.*)

(c) Every permit must at all times be kept on the premises designated and displayed in a conspicuous place therein, and shall be framed or otherwise protected against dust or dirt, and shall at all times be subject to the inspection of any officer, inspector or representative of the Health Department.

(d) All permits issued by the Board or Commissioner of Health for which an annual fee is required to be paid pursuant to the provisions of this section, shall expire annually on a date determined by the Board of Health. All permits issued by the Board or Commissioner of Health without fee shall be for such periods as the Board of Health shall determine. (*Subd. d amended by resolution filed with City Clerk June 15, 1942 and published in The City Record June 17, 1942.*)

(e) A permit may be suspended or revoked at any time by the Board of Health for wilful, continued or persistent violation of the Sanitary Code or the rules and regulations adopted by the Board of Health or upon such other grounds as the Board of Health may deem proper. Whenever a permit issued by the Commissioner or the Board of Health is revoked for cause such permit shall be surrendered forthwith to the Commissioner or the Board of Health by the holders thereof. Whenever a section provides that the permit be issued by the Commissioner of Health, he shall possess the same powers to suspend or revoke such permit, but his action as to the issuance, suspension or revocation thereof shall be subject to review by the Board of Health upon appeal by the party aggrieved in accordance with the rules of said Board. (*Amended July 24, 1945.*)

(f) Applicants for the following permits required by the provisions of the Sanitary Code shall pay the annual fee herein stated:

Animals, small, sale of (effective January 1, 1943)	\$5.00
Barber shop, to conduct	10.00
Bathing establishment, to conduct (effective May 1, 1943)	5.00
Beauty parlor, to conduct	10.00
Blood donor agency, to conduct	25.00
Business requiring permit under Sections 322, 324, 328, 329, 331 or 332 (effective January 1, 1943)	25.00
Cattle slaughter house, to conduct (effective October 1, 1942)	25.00
Dry warehouses for the storage of food, to conduct (effective July 1, 1946). Expires annually March 31st	25.00
Extermination, to conduct business of	15.00
Extermination, employee-operator	2.00
Food establishment, wholesale (effective October 1, 1942)	25.00
Frozen desserts:	
Class "A" Permit—to manufacture at wholesale	100.00
Class "B" Permit—to manufacture at retail	10.00
Class "C" Permit—to dealer or jobber to sell at wholesale (non-manufacturer)	25.00
Class "D" Permit—to bring into the City of New York	100.00
Class "E" Permit—for an additional manufacturing plant and/or depot for a holder of a Class A, C or D permit	25.00
Fumigation, to conduct business of	25.00
Fumigation, employee-operator	3.00
Midwifery, to practice	2.00
Milk and milk products, to sell; all classes	5.00
Poultry slaughter house, to conduct	50.00
Restaurant, to conduct	10.00
Retail food processing establishment (effective November 1, 1947)	10.00
Shellfish—to sell at wholesale (effective October 1, 1942)	25.00
Shoe fitting fluoroscopy machines at one location, to operate (effective March 1, 1948)	5.00
Stable for horses or other large animals (effective January 1, 1943) ..	5.00

Undertaking establishment	25.00
Water from wells for purposes other than drinking (effective January 1, 1943)	10.00
Water supply, adding of chemicals to	25.00
Water supply, treating coils and tanks (effective June 1, 1945)	5.00

On the effective dates for fees for permits as hereinbefore indicated, the respective permits theretofore issued without fee, if any, shall be deemed revoked. (*Subd. f amended by resolution filed with City Clerk May 18, 1945 and published in The City Record May 23, 1945. Amended September 9, 1947 and February 10, 1948.*)

(g) Where a permit for which an annual fee is prescribed herein, is issued at any time within the six months period prior to the date of expiration thereof, the applicant shall pay only one-half of the annual fee for such permit. This provision, however, shall not apply to permits for the manufacture or sale of frozen desserts or to the renewal of a permit which has heretofore expired, or to any permit for which the fee is less than \$10.

(h) Where any section of the Sanitary Code or the regulations thereunder applying to the particular business or permit mentioned therein contain any provisions inconsistent with this section, then in such case, the general provisions of this section shall apply except as to such inconsistent provisions.

(i) Where an establishment engaged in the manufacture and/or sale of articles of food on the same premises requires, under the provisions of the Sanitary Code, more than one permit for which separate fees are provided for in this section, the applicant shall apply for all said permits but shall pay only one fee, which fee shall be the largest one prescribed for any of said permits. The expiration date of all said permits in such case shall be the same as the expiration date of the permit for which the fee was actually paid.

(j) A permit for a restaurant includes the sale or the preparation and sale of all food-stuffs consumed on the premises.

(*Section amended by resolution filed with the City Clerk March 20, 1939 and published in The City Record March 22, 1939. Amended September 9, 1947 and published in The City Record September , 1947.*)

§191a. Provisions for sealing up kitchens and equipment in insanitary restaurants and other food establishments.

The Commissioner of Health, upon finding a food establishment or any part thereof to be insanitary, may on 48 hours' notice in writing, to be served personally upon the owner or operator, or by affixing the notice on the inside of the main entrance door of such food establishment, order the person found in charge thereof to cease operating it until it shall be properly cleaned and the objectionable conditions removed. If such order is not immediately complied with, the Commissioner of Health may upon filing in his office a written order stating the reasons therefor and without further notice fasten up and seal the kitchens, ovens, refrigerators, stoves, soda fountains or other food handling apparatus of the establishment and affix labels or conspicuous signs bearing the word, "unclean," to all materials and equipment. Such seals, labels and signs shall not be removed except by order of the Commissioner or his representative and not until the food establishment is in a sanitary condition. A food establishment which has no permit or the permit of which has been revoked or suspended may be served by the Commissioner of Health without further notice by the filing of an order stating the reasons therefor. Such order shall be served personally upon the owner or operator of the food establishment or by affixing the notice on the inside of the main entrance door of the food establishment. Where such order is served, the kitchens, ovens, refrigerators, stoves, soda fountains or other food handling apparatus shall be fastened up and sealed. Such seal shall be removed only upon the order of the Commissioner of Health or his representative and not until permission has been granted to the operator to resume operation. (*Adopted July 16, 1946.*)

ARTICLE 11

MIDWIFERY AND CARE OF CHILDREN

- Section 196. Practice of midwifery regulated.
- 197. Board and care of children regulated.
- 198. Agency giving day care to children defined; conduct thereof regulated; permit required.
- 199. Vaccination; duties of parents, guardians, and others.
- 200. Schools and board schools regulated.
- 202. Agencies sending children to camps outside of the limits of the City of New York to register; agency defined.
- 203. Shelter giving emergency day and night care defined; conduct thereof regulated; registration required.

§196. Practice of midwifery regulated.

No person other than a duly licensed physician shall practice midwifery in The City of

New York or by a sign or otherwise advertise or hold herself out as a midwife in said city, without a permit therefor issued by the Board of Health or otherwise than in accordance with the terms of said permit and with the regulations of said board.

On and after June 1, 1937 all permits theretofore issued to midwives shall be deemed revoked. Applications for renewal of permits to practice midwifery shall be made in person each year during the month of May but the permit shall be issued as of June 1.

(S. C., §184; amended March 9, 1937.)

REGULATIONS

Regulation 1. Application. An application for a permit to practice midwifery shall be made on a blank form furnished by the Department of Health. Where it is the first application, the applicant's moral character must be certified to by two reputable and responsible persons, not relatives, who have known the applicant for at least 5 years.

Regulation 2. Requirements for permit.

(a) The applicant must be at least 21 years of age, of good moral character, and her general appearance and her home must provide evidence of cleanliness.

(b) An applicant who has not held a permit to practice midwifery in the City of New York prior to June 1, 1937 must be able to read and write English.

(c) Every applicant shall submit to a medical examination by a medical inspector of the Department of Health, duly designated for the purpose, to determine her physical ability to carry on the practice of midwifery and the presence of any communicable disease. Such medical examination shall include necessary laboratory tests. No permit shall be issued to an applicant who is physically unfit to carry on the practice of midwifery or who is suffering from or infected with any communicable disease.

(d) The applicant must present a diploma or certificate showing that she is a graduate of a school for midwives registered by the Board of Health of The City of New York as maintaining a satisfactory standard of preparation, instruction and course of study, but the requirements of a diploma shall not apply to any person who is now or heretofore has been authorized to practice midwifery by the said Board.

Regulation 3. Permit; issuance, expiration and revocation thereof.

(a) The permit issued hereunder shall allow the holder to act as a midwife for the period mentioned in such permit, and shall be renewed annually upon application made in person during the month of May of each year, provided, however, that applicant has complied with all the rules and regulations governing the practice of midwifery. Any midwife changing her name or address shall immediately surrender her permit to the Department of Health and apply in writing for a change of name or address on said permit. Such change shall, upon approval by the Commissioner of Health or his duly authorized representative, be endorsed upon the permit before being returned.

(b) No permit shall be granted to an applicant who has been convicted of criminal practice, or of practicing medicine illegally, and any such conviction shall be sufficient cause for the revocation of a permit.

(c) An applicant immediately on receipt of her first permit to practice midwifery in this City, shall register her name and address with the Bureau of Records and Statistics of the Department of Health.

(d) A permit issued hereunder may be revoked by the Board of Health for cause.

Regulation 4. Midwife to attend only normal cases; use of instruments prohibited.

(a) Every midwife, as soon as she is engaged for a delivery, shall immediately refer the patient to a licensed physician or a prenatal clinic for continuing prenatal care including a blood test, urinalysis, blood pressure and pelvic measurements. The midwife shall also notify the district health officer of each case referred, including the name and address of the physician to whom, or clinic to which, the patient has been referred, and the date of such referral. It shall be the midwife's responsibility to require a report from the physician or clinic as to whether the referred case has been examined and is receiving prenatal care.

(b) A midwife may practice midwifery in cases of normal labor in which there is an uncomplicated vertex (head) presentation. In all other cases a physician must be called.

(c) No midwife is permitted to attend any woman in labor until the seventh month of uterogestation has passed.

(d) No midwife shall use instruments of any kind nor assist labor by any

artificial, forcible or mechanical means, nor perform version or undertake or attempt to remove adherent placenta, nor administer, prescribe, advise, or employ any poisonous or dangerous drug, herb or medicine, including anaesthesia, analgesia, ergot or pituitrin in any case of labor, nor prescribe for or attempt the treatment of diseases.

(e) No midwife shall attend a woman upon whom a previous Caesarean section has been performed or who has had a pelvic or gynecological operation. No midwife shall attend any primiparous woman who is over 35 years of age or any woman who has given birth to more than ten babies.

(Amended January 13, 1948.)

Regulation 5. Midwife to keep record of cases. Every midwife, in addition to the birth registry and fetal death registry, shall keep a record of all cases attended by her, on the form provided by the Department of Health, which form shall be submitted to the Department of Health quarterly.

Regulation 6. Midwife's home to be open to inspection. The home of the midwife, her equipment, record of cases, birth registry and fetal death registry shall be open to inspection at all times by an authorized representative of the Department of Health. This regulation shall not apply to a midwife who is licensed as a registered nurse and employed exclusively by a clinic licensed to operate a maternity service.

Regulation 7. Midwife to be clean. Each midwife must be scrupulously clean in every way, including her person, clothing, equipment and house. She must keep her nails short and keep the skin of her hands, as far as possible, free from cracks and abrasions. When attending a case of labor she must wear a clean dress, of washable material which can be boiled, such as linen or cotton, and over it a clean washable apron or overall. The sleeves of the dress must be so made that they can be readily rolled up above the elbows.

Regulation 8. Midwife's bag and equipment; prohibited instruments.

(a) Every midwife shall have and take to each case the equipment herein referred to and a utility bag of sufficient capacity for the storage and transportation of such equipment. The bag shall have a removable, washable lining which shall be of strong, white cotton material furnished with a draw string for closing. Such lining shall be of sufficient size to allow of its being folded over the sides of the bag when opened. The lining shall be provided with a sufficient number of pockets to hold the following required equipment:

- Clinical thermometer.
- Soft rubber catheter.
- Bottle of green soap.
- Sharp, blunt tip scissors.
- Scale.
- $\frac{1}{4}$ lb. of absorbent cotton in a sealed sterile container.
- Small basin for sterilizing purposes.

The remaining required supplies shall be placed in washable envelope bags arranged in the following order:

1. Midwife's Personal Supplies:

A washable apron sufficiently large to completely cover the clothing of the midwife.

Gauze masks with tapes on each of the four corners, which will completely cover the nose and mouth of the midwife.

Washable cap to completely cover the hair.

Cake soap.

Orange wood stick.

Hand brush.

Hand towel.

2. Enema Equipment:

Rectal tube.

Tube petroleum jelly.

Funnel.

Glass connecting tip.

Connecting tubing.

3. Supplies for Infant:

Two packages—each to contain:

Eight cotton balls.

3-inch by 4-inch gauze squares.

Two pieces of cord tape 12 inches long.

Two ampules of 1 per cent silver nitrate.

Soft rubber catheter for aspirating mucus.

4. Records:

Midwife case record sheet.
Fetal death registry.
Birth registry.
Scratch paper and pencil.

(b) No other instruments shall be used or owned by a midwife or kept in her possession. Possession of any such instruments will be taken to indicate their use and shall be sufficient cause for revocation of permit.

Regulation 9. Sterilization and care of equipment.

(a) The following articles must be sterilized immediately before use by boiling in water for at least five minutes or by any other method approved by the Department of Health:

Hand brush.
Catheter.
Cord tape (unless packed in sterilized packages).
Orange wood stick.
Scissors.

After using, the aforesaid equipment shall be washed with soap and water and boiled for five minutes. Where enema equipment has been used, it shall likewise be washed with soap and water and boiled for five minutes before replacing in bag. The thermometer, immediately before and after use, shall be thoroughly washed with green soap, rinsed and wiped with cotton moistened with alcohol (rubbing alcohol may be used). Cotton balls for the eye and cotton swabs for cleaning of the vulva, unless sterile, must be sterilized in a manner acceptable to the Department of Health, as for example, by placing in a covered basin of water and boiling for ten minutes.

(b) The bag shall be cleaned after each delivery. All equipment is to be removed from the bag and the bag lining, the envelope bags, the cap, mask and apron are to be washed thoroughly, dried in the sun if possible, and ironed. The basin, connecting tip, and scissors are to be cleaned again with soap and water, rinsed in boiling water and allowed to dry. The rectal tube is to be rinsed in soapy water and boiled again for five minutes.

Regulation 10. Cases to be referred to physicians. If, during pregnancy, any of the following conditions develop or are suspected, the midwife shall not undertake or attempt to attend a case in which any of such conditions exist but must refer it immediately to a physician or to a prenatal clinic as soon as the diagnosis is made or the existence of such condition is suspected:

1. Whenever the patient is known to have or have had syphilis or is suspected of having or having had syphilis.

2. Whenever there is vaginal bleeding, including staining.

3. Whenever there is swelling or puffiness of the face, eyes or hands.

4. Whenever there is excessive vomiting early in pregnancy or any vomiting in the last trimester of pregnancy.

5. Whenever there is persistent headache.

6. Whenever there is dimness of vision.

7. Whenever there are fits or convulsions.

8. Whenever there is a purulent discharge.

9. Whenever there are sores or warts of the genitals.

10. Whenever there is a history of or signs or symptoms of diabetes.

11. Whenever there is a history of high blood pressure, kidney condition or toxemia.

12. Whenever there is a sudden rapid gain in weight.

13. Whenever the fetal heart cannot be heard at any time during pregnancy.

14. Whenever there is a history of or signs or symptoms of heart disease, rheumatic fever or tuberculosis.

15. Whenever the midwife is called for an emergency delivery of a patient who has had no prenatal care or blood test.

Regulation 11. Preparation for internal examination or delivery; vaginal douche prohibited.

(a) It should not be necessary to make an internal examination of the patient, but if one is to be made, the midwife's hands and the patient must be prepared as provided in this regulation.

(b) Before making an internal examination of the patient or conducting a delivery, the midwife must prepare her hands and patient as follows:

The midwife, after cutting her fingernails short, must scrub her hands with warm water and soap. She must then thoroughly shave and wash with warm water and soap the patient's external genitals, the internal surface of thighs and the lower part of the abdomen, and rinse them with clean water. She must then

cover the genitals with a clean cloth towel and the towel shall remain there until the examination or delivery is made. When the patient has been prepared as aforesaid, the midwife's hands must be cleaned and disinfected as follows:

Scrub the hands and forearms up to the elbows with a hand brush, soap and warm water for five minutes, paying special attention to the nails and to the inner surface of the fingers. After having cleaned and disinfected the hands in this way they must not come in contact with anything before touching the parts of the patient to be examined.

(c) No vaginal douche shall be given before or after labor.

Regulation 12. Midwife not to leave patient. A midwife in charge of a case of labor must not leave the patient without giving an address at which she may be found without delay, and after the beginning of the second stage she must stay with the patient until the birth is completed, and shall not leave for at least one hour after the expulsion of the afterbirth. Where a physician has been sent for because the case is abnormal or complicated, the midwife must await his arrival and be ready to carry out his instructions.

Regulation 13. Physician to be summoned during labor and after birth in certain cases. If, during labor or after birth, any of the following conditions exist or develop, a physician must be summoned immediately:

1. The presenting part is other than uncomplicated vertex (head).
2. Fits or convulsions.
3. Excessive bleeding.
4. Prolapse of the cord.
5. A swelling or tumor that obstructs the birth of the child.
6. Signs of exhaustion or collapse of the mother.
7. Labor prolonged over 24 hours or ruptured membranes over 12 hours.
8. When fetal heart has been heard and ceases to be heard or when the fetal heart has not been heard.
9. Vagina has been lacerated during delivery.

Regulation 14. Midwife to examine afterbirth. A midwife must, in all cases, examine the afterbirth (placenta and membrane) before it is destroyed to make certain that it has been completely expelled. If it appears to be incomplete a physician must be called. If, after an hour from the birth of the child, the placenta and membranes have not been expelled, after attempts have been made to expel it by gentle manipulation of the uterus through the abdominal walls, a physician must be called even though the mother is otherwise in good condition. Under no circumstances shall the midwife attempt to remove by hand the retained placenta or part of the retained placenta.

Regulation 15. Procedure after delivery. After the labor is over the midwife must clean the skin around the external genitals with the freshly boiled water and then place a dry sterile pad over the vulva. The midwife must bathe and dress the patient in this manner at least once daily for five days after delivery, and also after each time it is necessary to use a catheter. After the birth is complete the midwife must not make vaginal examinations. If it is necessary to catheterize the patient, the catheter must be boiled and the midwife, after cleaning her hands as required in Regulation 11 and before passing the boiled catheter, should separate the upper part of the vulva and wash the opening to the bladder by pouring freshly boiled water over it from a cup or small pitcher that has been previously boiled.

Regulation 16. Soiled articles to be removed after labor. After the labor is over and before washing the baby, the midwife should remove the soiled sheets, together with all soiled pads, newspapers or other material used to protect the mattress, and place the patient on a smooth, dry, clean sheet.

Regulation 17. Child not breathing, physician to be called; fetal death (stillbirth) report required.

(a) Should the child not breathe after birth, a physician shall be called immediately and the midwife shall attempt to resuscitate the infant by aspirating the mouth and throat with the soft rubber catheter and by using gentle artificial respiration or filtered mouth to mouth breathing.

(b) If the child never breathes, the midwife must report the fact at once, as a fetal death (stillbirth), by telephone or messenger, to the Department of Health, in the borough where such fetal death occurred. In every such case the midwife shall execute the certificate of fetal death and leave it at the place of fetal death for countersigning by the medical inspector of said department and then file the certificate within twenty-four (24) hours with the Bureau of Records and Statistics of the Department of Health in the borough wherein such

fetal death occurred. The fetus must not be removed from the premises until such certificate has been approved by the inspector from the Department of Health and a permit has been issued by the Bureau of Records and Statistics.

Regulation 18. Use of Silver nitrate solution. As soon as the child is born, and if possible before the expulsion of the afterbirth, the eyelids must be separated and one or two drops of a one per cent (1%) solution of silver nitrate dropped in the eye and the lids brought together. The eyes shall then be rinsed with tepid boiled water.

ONE APPLICATION ONLY of the silver nitrate solution should be made.

Regulation 19. Reports of cases of sore eyes. When the infant has or develops sore eyes, or any redness, inflammation, or discharge from the eyes, the midwife in attendance must at once call a physician and immediately report to the Department of Health the name and address of the mother, and state the time when such condition of the eyes was first noticed.

Regulation 20. Care of patient after labor. After labor, and throughout the lying-in period, the midwife must exercise due care in washing her hands and in dressing or catheterizing the patient.

Regulation 21. If, during the lying-in period, any of the following conditions develop in the mother, a physician must be summoned:

1. Whenever there are convulsions.
2. Whenever there is excessive bleeding.
3. Whenever there is a rise of temperature to 100.4 degrees F. any time after the first day.
4. Whenever there is swelling and redness of the breasts.
5. Whenever there is a severe chill (rigor) with rise of temperature.
6. Whenever there is inability to nurse the child.
7. Whenever one or both legs become swollen.
8. When there is inability to void urine for 12 hours or whenever there are frequent small voidings of urine.

Regulation 22. Physician to be summoned if child shows certain conditions; premature birth, Health Department to be notified immediately.

(a) Every child should be thoroughly examined after birth and if the child has or develops any of the following conditions a physician must be summoned immediately:

1. Whenever there is any deformity or malformation or injury.
2. Whenever there is inability to suckle or nurse.
3. Whenever there is inflammation around, or discharge from the navel.
4. Whenever there is swelling and redness of the eyelids with a discharge from the eyes.
5. Whenever there is bleeding from the mouth, navel or bowels or in the skin.
6. Whenever there is any rash, sore or nasal discharge or whenever the mother has had a history of syphilis or a positive serological test for syphilis.
7. Whenever there is difficulty in feeding, persisting vomiting or diarrhea.
8. Whenever there is evidence of general feebleness or of a premature birth (the baby weighing less than five pounds, seeming unusually small or feeble, having a constant low temperature).
9. If a baby is not breast fed, a physician shall be called to prescribe a formula for the child.
10. Whenever a baby displays jaundice (yellow skin) at birth.

(b) Whenever there is evidence of general feebleness or of a premature birth, the midwife in addition to summoning a physician shall notify immediately the Department of Health by telephone.

Regulation 23. Midwife to attend cases ten days after labor. The midwife shall visit her patient at least once daily for ten days after labor, giving the necessary attention to the toilet and bed of both mother and infant. She shall record the pulse and temperature of the mother at each visit and give proper directions as to food of mother and nursing of the child during the periods between her visits; she shall arrange to have the baby sleep in a basket or crib, instead of in the bed with the mother; she shall watch constantly for any symptoms of the complications or abnormalities described in Regulations 21 and 22. She shall attend daily to the dressing of the cord and the cleansing of the mouth.

Regulation 24. Communicable disease in midwife or at midwife's home; attendance at case prohibited; cleaning and disinfection required.

(a) No midwife shall attend a case if she has a local infection of the skin, such as impetigo or an abscess or boil, or if she is suffering from upper respiratory infection, tonsillitis, pharyngitis, otitis media, large or suppurating glands, bronchitis, measles, chicken pox, German measles, mumps, whooping cough or from tuberculosis or venereal disease in communicable form, or from any communicable disease mentioned in subdivision (b) herein.

(b) No midwife shall attend a case when there is a person suffering from any of the following communicable diseases in her own home:

Diphtheria.

Dysentery, amebic or bacillary.

German measles.

Meningitis, meningococcus (epidemic cerebrospinal meningitis).

Poliomyelitis, anterior, acute (infantile paralysis).

Scarlet fever (scarlatina) or other streptococcal infection.

Smallpox.

Tuberculosis, pulmonary.

Typhoid or Paratyphoid fever.

(c) After any case of communicable disease mentioned in subdivision (b) in the midwife or at the midwife's home, the premises must be thoroughly cleaned. The floor and surface of the patient's bedroom must be scrubbed with soap and water, the bedding must be washed and boiled and the carpets, hangings and other articles in the bedroom which cannot be boiled must be sunned and aired. The contents of the midwife's bag and other appliances must be disinfected.

Regulation 25. Requirements for midwife and disinfection of midwife's equipment, following contact with communicable disease. Whenever a midwife has been in attendance upon a patient or in contact with any person suffering from puerperal fever or from any of the communicable diseases mentioned in subdivision (b) of Regulation 24, she must make an entire change of clothing and have all her garments which she wore while in attendance upon the infected person washed and boiled. Those garments which cannot be washed and boiled should be well aired. In addition the midwife must take a hot bath, wash her hair and disinfect all the contents of her bag and other appliances before going to any other maternity patient.

Regulation 26. Reports of live births and premature births.

(a) When a live birth occurs it shall be the duty of the midwife in professional attendance at said birth or who rendered professional service to the mother or child, within two days after said birth, to execute a certificate of birth, together with a supplemental medical report of said birth, upon a form furnished by the Department of Health, and to file such certificate and report in the office of the Bureau of Records and Statistics in the borough in which the birth occurred. In each case the midwife shall make and preserve indefinitely a birth registry (stubs of birth certificate book) containing a complete record of such birth.

(b) In addition to the foregoing, in the case of a premature birth, the midwife shall immediately summon a physician and notify by telephone the district health officer.

Regulation 27. Midwife not to use own home as place for delivery.

It shall be unlawful for a midwife to use her own home as a place for delivery of a woman unless the woman to be delivered is a member of her own immediate family.

Regulation 28. Inactive midwife, renewal of permit regulated. Where it appears at the time of an application for renewal of a permit to practice midwifery that the midwife has not attended three deliveries for twelve months preceding such application, the application shall be denied because of inactive practice and notice of such denial given to the midwife. In every case where an application for renewal of a permit has been denied for inactive practice, the midwife may appeal to the Board of Health for a hearing and reconsideration of her application. Such appeal, however, must be made in writing and filed with the Secretary of the Board not later than sixty days after such notice of denial.

Regulation 29. Midwife's certificate of retirement. A "Midwife's certificate of retirement" shall be issued by the Commissioner of Health upon request to a person retiring from practice, who has been engaged in the practice of midwifery in the City of New York under permit from the Board of Health for a period not less than ten years, if at the time of such request she was in good standing as a practicing midwife according to the records of the Department of Health. Upon the granting of this certificate, the midwife must discontinue the practice of midwifery.

Such certificate shall read as follows:

Permit No.....
(Before retirement)

Retirement Certificate No.....

THE DEPARTMENT OF HEALTH OF THE CITY OF NEW YORK
MIDWIFE'S RETIREMENT CERTIFICATE

THIS IS TO CERTIFY THAT,
who has been practicing midwifery in the City of New York since
under permit from the Board of Health in accordance with the provisions of
Section 196 of the Sanitary Code of said City and the regulations adopted there-
under, having this day signified her intention to discontinue such practice, has
been granted this certificate of retirement as evidence of the midwife's good
standing in the Department of Health of The City of New York at the time of
such retirement.

Dated, New York,, 19.....

.....
Commissioner.

(Seal)

By.....
Director, Bureau of Child Hygiene.

Regulation 30. Postpartum examination. It shall be the duty of the
midwife to see that each patient is referred to a physician or prenatal clinic for
final postpartum examination at approximately six weeks after delivery.

REGULATIONS GOVERNING THE CONDUCT OF SCHOOLS
FOR MIDWIFERY

Regulation 31. Registration of schools, application for and revocation thereof. Application for registration of a school for midwifery shall be made on a blank form prescribed by the Department of Health. The registration when approved shall allow the holder to conduct a school for midwifery until revoked for cause.

Regulation 32. School must comply with regulations. No school for midwifery shall be registered by the Board of Health unless it complies with the regulations of said board prescribing the preliminary qualifications of the students and the curriculum of the school as hereinafter set forth.

Regulation 33. General conduct of schools.

(a) The school must be conducted under the supervision of a hospital or in association with a maternity clinic recognized by the Department of Health.

(b) The school must have facilities to accommodate at least ten pregnant women during the lying-in period, and facilities for their confinement on the premises. If the registration as student in the school requires graduation from a school of nursing of a hospital giving at least three months obstetrical training, this may be accepted in lieu of lying-in facilities, provided the field experience of the course with the preliminary hospital experience in the opinion of the Board of Health affords equivalent training facilities.

(c) The school must have a resident physician and one or more registered nurses.

(d) The Registration Certificate must be displayed in a conspicuous place in the main office of the school building.

Regulation 34. Requirements for entrance to the schools.

(a) The applicant must be at least twenty-one years of age, be free from any disease that might be communicated during the practice of midwifery, and must present a certificate of recent vaccination.

(b) The applicant must give for reference the names and addresses of two persons, not relatives, who have known the applicant for at least one year.

(c) The applicant must fill out the application blank (in her own handwriting), including name, present address, age, whether single or married or widow, education, height, weight, general physical condition, including sight and hearing.

Regulation 35. Instruction and course of study in schools. The instruction and course of study at the school must include the following:

(a) A probation period (of at least two weeks) to determine the fitness of the applicant.

(b) A course of study of at least six months duration.

(c) Pupils to reside at the school during the entire course.

- (d) Pupils to be on duty at least ten hours daily or seventy hours weekly.
- (e) Time lost by absence to be made up.
- (f) Each pupil to have attended at least twenty cases of labor, and have had the care of at least twenty mothers and new born infants during the lying-in period (ten days).

(g) The instruction given to pupils must equip them with a thorough theoretical and practical knowledge of obstetrics, and must include at least:

1. The principles of hygiene as applied to home, the food supply and the person.
2. The elementary anatomy of the female generative organs and pelvis.
3. Pelvimetry.
4. Pregnancy (its symptoms and complications).
5. Normal labor:
 - Symptoms.
 - Mechanics.
 - Course.
 - Management.
 - Presentation.
 - Palpation.
 - Auscultation.
 - Vaginal examination.
 - Asepsis.
 - Antiseptics (preparation and use).
6. Puerperium:
 - Normal and abnormal.
7. Hemorrhage:
 - Varieties and treatment.
8. Puerperal fevers:
 - Cause and symptoms.
9. Preparation of dressings and room for labor:
 - Methods of giving baths, douches and irrigations.
 - Performance of catheterization.
 - Care of instruments.
10. Care of infants:
 - Asphyxia.
 - Eyes.
 - Cord.
 - Hygiene of infancy.
 - Infant feeding.
 - Home modification of milk.

Regulation 36. Recognition of schools outside of New York City.

(a) A school conducted in the United States outside of New York City will be recognized by the Department of Health if it is under the state or municipal control, and all of the requirements hereinbefore mentioned are fulfilled.

(b) A school conducted in a foreign country will be recognized by the Department of Health if it is under the control of the government and maintains a resident course of at least six months, approved by the Department of Health.

(Generally revised March 11, 1947.)

§197. Board and care of children regulated.

1. Except for a public officer with legal authority so to do, an authorized agency, relatives within the second degree of the parents of a child or children, and legally appointed guardians, no person shall receive, board or keep any child under the age of sixteen years in the City of New York, without a permit therefor issued by the Board of Health or otherwise than in accordance with the terms of said permit and with the regulations of said board.

2. The requirement of a permit under this section shall not apply to schools and academies meeting the requirements of the Education Law as to compulsory education, or to persons who have a certificate from an authorized agency to receive, board and keep a child or children boarded out by such agency.

3. An authorized agency which shall board out any child in the City of New York, shall issue to the person receiving said child for board a certificate to receive, board or keep a child or children. Such certificate shall be issued in accordance with the provisions of this section and the regulations of the Board of Health. No person shall be certified by more than one authorized agency but any person so certified may receive for care and board or otherwise a child or children from other authorized agencies upon the written consent and approval of the certifying agency as to each such child. When a certificate is issued to a foster

home, which at the time is under permit from the Board of Health, the permit shall be deemed revoked and the authorized agency issuing such certificate shall cause forthwith the permit to be surrendered and transmitted to the Department of Health.

4. No authorized agency shall issue a certificate for a foster home in the City of New York, as provided for in the preceding subdivision, and no such certificate shall be valid in said City, unless the agency shall have been first registered with the Department of Health. Application for registration shall be made on a form prescribed by the Department and shall contain such information as the Department shall require. The registration of an agency, unless sooner revoked by the Board of Health, shall be valid for three years from the date of registration.

5. As used in this section and in the regulations hereunder, the following terms shall be taken to mean and include:

(a) "Authorized agency" or "agency." An authorized agency as defined in Section 371 of the Social Welfare Law.

(b) "Board out." The arranging for the care of a child in a family other than that of a relative within the second degree of the parents of such child where payment is or is not made or agreed to be made for care and maintenance.

(S. C., §191; last amended by resolution filed with City Clerk August 14, 1942 and published in *The City Record* August 17, 1942.)

REGULATIONS

§197: Regulations governing the board and care of children. (*Former regulations adopted March 30, 1915 and amended April 25, 1917 were repealed and new regulations added by resolution filed with City Clerk July 15, 1940 and published in The City Record July 16, 1940; further amended by resolution filed with City Clerk August 14, 1942 and published in The City Record August 17, 1942.*)

Regulation 1. Permit and certificate defined; application.

(a) As used in these regulations, the term "permit" and the term "certificate" shall be taken to mean the permission in writing to receive, board or keep children under sixteen years of age, the former issued by the Board of Health and the latter by an authorized agency, in accordance with the provisions of the Sanitary Code and these regulations.

(b) Application for permits or certificates shall be made respectively to the Department of Health or an authorized agency, on forms prescribed by the Department of Health, and shall state the name and address and religious faith of the applicant, the number of children to be boarded, and such other information as may be required by the Department of Health.

Regulation 2. Permit and certificate regulated.

(a) The permit and the certificate, on forms furnished by the Department of Health, shall be issued for a period of one year from the date of issuance. The permit and certificate shall state that the person is regarded by the Department or the authorized agency, as the case may be, as maintaining a home suitable for the care of children and specifying the name and address and religious faith of the person to whom issued, the number of children to be boarded in such foster home and such other information as the Department of Health may require. An agency issuing or renewing any such certificate shall forthwith transmit to the Department of Health a copy of the certificate and a copy of the report of the investigation made prior to the issuance thereof.

(b) On the first application, a permit or certificate shall not be issued for the boarding of more than two children unless all the children are of the same family. On subsequent applications a permit or certificate shall not be issued for more than four children, except that a permit or certificate may be issued to board five or six children in order to keep from separating a family, or where the Department approves a recommendation from an authorized agency that five or six children be boarded in the foster home. However, in no case shall there be maintained in a foster home more than six children under sixteen years of age whether children in board or children of the permittee or the holder of the certificate.

(c) The permit and certificate shall remain the property of the Department of Health and not of the person to whom issued. A permit may be suspended or revoked by the Board of Health and a certificate may be suspended or revoked either by the Board of Health or the agency which issued the certificate. When suspended or revoked or on expiration, the permit shall be delivered on demand to the said Department, and, in the case of a certificate, shall be delivered on demand to the said Department or to the authorized agency which issued the certificate. An agency upon revoking a certificate shall forthwith transmit to

the Department of Health a statement to that effect together with a report of the reasons for such revocation.

(d) The permit and certificate shall be valid only for the premises for which issued. In the event of removal to another address or to another apartment at the same address, the permit or certificate shall be deemed revoked. In such case it shall be the duty of the permittee and, if a certificate, the agency which issued the certificate, to notify immediately the Department of Health of such removal.

(e) The Department shall make recommendation to the Board of Health for the issuance of a permit only on evidence that children will be obtained and if, at the time of the issuance of the permit, no children are being boarded at such foster home, the permit shall not be delivered to the applicant except upon receipt of notification that children have been received for boarding at such home. If, at any time during the term of a permit, no children are boarded at the foster home, the permit shall be returned to the Manhattan office of the Department of Health where it is to be held until expiration, unless notice is received in the meantime that children have been obtained, in which event the permit shall be returned to the permittee.

Regulation 3. Requirements and conditions for permit and certificate.

(a) A permit or certificate may be issued only to a woman:

1. Whose fitness to board children is attested by satisfactory evidence;
2. Whose home conditions present a normal family life;
3. Who, and all members in whose household, are of good character, habits and reputation;
4. Who, and all members of whose household, are in good health and have no disqualifying physical or mental handicaps, and who, on the original application and in the discretion of the Department of Health or the authorized agency on any renewal application, has submitted a medical certificate to that effect signed by a duly licensed physician;
5. Who is under 60 years of age unless she was continuously the holder of a similar permit or certificate prior to and since her 60th birthday.

(b) All applicants for, and holders of, permits or certificates must comply with the following conditions:

1. The applicant or the holder of the permit or certificate and her family must be in a reasonably secure financial position and self-supporting, aside from payments to be made for the board of children, and not in receipt of relief.
2. The applicant or the holder of the permit or certificate may not be employed outside the home, except with the consent of the Department of Health and, in the case of a certificate, with the consent of the agency and the approval of said Department.
3. The applicant or the holder of the permit or certificate may not conduct in the home, any business or do any homework which may adversely affect the welfare of the children.
4. The applicant or the holder of the permit or certificate shall not rent any rooms to lodgers or boarders, seasonal or otherwise, except with the consent of the Department of Health and, in the case of a certificate, with the consent of the agency and the approval of said Department.

Regulation 4. Increase in persons of foster home.

(a) The number of persons in a foster home, at any time, shall not exceed the number stated at the time the permit or certificate was granted.

(b) A request, to be allowed to increase the number of boarding children over that mentioned in the permit or certificate, shall be considered only upon a written application for a new permit or certificate.

Regulation 5. Premises.

(a) Premises must be kept in a clean and sanitary condition and in good repair, and must provide for the reasonable comfort and well-being of the members of the household.

(b) The heating apparatus in the premises shall be adequate and a minimum temperature of sixty-five (65) degrees Fahrenheit shall be provided as required in Section 225 of the Sanitary Code.

(c) Reasonable security against fire hazards must be maintained.

(Amended March 11, 1947.)

Regulation 6. Food. Food supplied to children shall be of good quality, properly prepared, and of sufficient variety, and served at regular hours.

Regulation 7. Illness, notification and treatment. If a child in board is taken ill, the parent, guardian or authorized agency from which it was ob-

tained shall be promptly notified and the child shall be examined and treated immediately by a licensed physician or at a hospital or dispensary.

Regulation 8. Boarding children, number and ages of.

(a) No greater number of children than the permit or certificate specifies shall be received, boarded or kept on the premises.

(b) No foster home shall have more than two infants under two years of age, whether children in board or children of the permittee or holder of the certificate.

(c) Children shall not be left in the foster home at any time without competent adult supervision, such as that given by a prudent mother in the case of her own children.

Regulation 9. Sleeping accommodations.

(a) Every room occupied for sleeping purposes by children in board shall have good natural light and ventilation, and shall have one or more windows opening directly to the outer air.

(b) No floor of a room used for sleeping purposes by children in board shall be below ground level.

(c) Rooms used for sleeping purposes by children in board shall have at least 30 square feet of space for each bed or crib and at least 300 cubic feet of air space for each person sleeping in such a room.

(d) Every child in board shall have a separate bed or crib. Children shall not sleep in the same bed with an adult. Beds and cribs shall be so arranged as to permit free circulation of air under them, be at least two feet apart and provide adequate and safe facilities for restful sleep for the children to be accommodated. (*Subdivision d of Regulation 9 amended by resolution filed with City Clerk November 16, 1944 and published in The City Record November 20, 1944.*)

(e) No child over the age of one year shall sleep in the same room with either of the foster parents, or other person over sixteen years of age, except with the consent of the Department of Health or, in the case of a certificate, with the consent of the agency boarding children thereat.

(f) Children of different sex, above the age of three, shall not sleep in the same room, except with the consent of the Department of Health or, in the case of a certificate, with the consent of the agency boarding children thereat.

(g) No more than three persons (children and adults) shall occupy any bedroom where children in board sleep.

Regulation 10. Registered authorized agencies, certificates, home visits and reports.

(a) An authorized agency upon registration with the Department of Health shall have authority to issue certificates for the boarding of its children in foster homes suitable for the care of children in accordance with Section 197 of the Sanitary Code and its regulations and shall cause its representatives to visit foster homes for which a certificate has been issued for the purpose of obtaining compliance with said section and regulations, and the proper care and supervision of children boarded thereat.

(b) Foster homes, under a certificate and supervision of an authorized agency, will not be visited by representatives of the Department of Health, except for investigation of complaints or special conditions or for inspection of some foster homes of each certifying agency to ascertain compliance with these regulations.

Regulation 11. Right of inspection. Every room in a foster home under permit or certificate or required to be under permit, pursuant to Section 197 of the Sanitary Code, shall be open for inspection at all reasonable hours by any representative of the Department of Health.

Regulation 12. Register to be kept by permittees. Every person who receives, boards, or keeps a child under a permit or certificate shall keep a record of each such child in a register to be provided by the Department of Health. The register and permit or certificate shall be kept available for examination at all reasonable times by representatives of the Department of Health. On such register shall be entered the name and age of every boarded child, the names and residences of the parents (so far as known), their religion, the name and address of the person from whom the child was obtained, the time of reception and discharge of each child, and the reasons therefor. In the case of a holder of a permit, the permittee shall, within forty-eight hours after the discharge of any boarded child from a foster home, send the register record for such child to the Department of Health of The City of New York, and the stub of such record shall be retained in the register. (*Amended August 11, 1942.*)

§198. Agency giving day care to children defined; conduct thereof regulated; permit required.

1. It shall be unlawful to conduct an agency giving day care to children in The City of New York without a permit therefor issued by the Board of Health, or otherwise than in accordance with the terms of said permit and with the regulations of said board.

2. The term "agency giving day care to children" shall mean and include (a) any institution or place, whether known as a day nursery, nursery school, kindergarten, child play or progressive school or under any other name which for compensation or otherwise receives for temporary custody, with or without stated educational purpose, during part or all of the day, apart from their parents, four or more children under six years of age and not of common parentage; (b) any person who holds himself or herself out for hire, to care for four or more children under six years of age and not of common parentage, separate and apart from their parents and elsewhere than at the home of one or more of them during part or all of the day.

3. A permit under this section shall not be required for a nursery school or kindergarten attached to, and conducted by the public school authorities or an established religious group as a part of, an elementary school in accordance with Section 200 of the Sanitary Code, but such nursery school or kindergarten shall be maintained in conformity with the regulations hereunder relating to agencies giving day care to children.

(Amended April 8, 1947, effective April 15, 1947.)

REGULATIONS

§198: Regulations governing agencies giving day care to children.
(Repealed and reenacted by resolution filed with City Clerk February 11, 1943 and published in The City Record February 13, 1943.)

Regulation 1. Application for permit.

An organization, corporation, partnership, or individual proposing to operate a day care agency shall:

1. Make application in person to the Bureau of Child Hygiene of the Department of Health and fill out and submit, on a form supplied by the Department, information concerning the proposed agency. At the same time the owner or his agent shall submit:

- (a) Floor plan showing all of the rooms, indicating uses for child caring purposes in said agency.
- (b) A statement of the purpose of the agency and a description of the program and activities designed to carry out these purposes.
- (c) A statement of the method to be used in admitting children for care.
- (d) Evidence of a reasonably secure financial position to permit compliance with these regulations.

2. Before the permit is issued the Department of Housing and Buildings and the Fire Department shall approve the premises in question as to safety for the use intended.

3. No such agency shall be conducted in a factory, mercantile or business building, or be located above the third floor unless an elevator is provided.

Regulation 2. Permits. Posting thereof. The permit issued by the Board of Health shall be good for two (2) years unless sooner revoked and is not transferable. Such permit shall be posted in a conspicuous place in the entrance lobby or the reception room of the premises to which it applies.

PHYSICAL PLANT

Regulation 3. Rooms.

(a) Rooms used by children under two (2) years of age must be entirely apart from those used by other children. Rooms used by children over eight (8) years of age must be entirely set apart for their exclusive use while they are in the building.

(b) No room used for the care of children shall be so located that the floor on any of the four sides is more than three feet below the surface of the ground surrounding the building.

(c) The minimum allowance of space for each child in a play room shall be 20 square feet of floor space and 200 cubic feet of air space.

(d) Every room used for child-caring purposes shall have one or more windows opening upon a public thoroughfare, or a yard or court not less than 10 feet in depth and extending the length or width of the building.

(e) Adequate ventilation by natural or mechanical means shall be provided in each room.

(f) All parts of the building used by the children shall be adequately

lighted and heated. The use of gas for lighting or heating in the children's quarters is prohibited.

(g) When the street temperature is less than fifty-five (55) degrees Fahrenheit, a temperature of between sixty-eight (68) and seventy-two (72) degrees Fahrenheit shall be maintained in all rooms used by the children except when sleeping. An accurate thermometer shall be hung in each room approximately three (3) feet from the floor.

(h) All walls, ceilings and floors shall be finished so as to be readily washable. Rooms shall not be swept or dusted while occupied by the children. Heavy draperies, upholstered furniture, carpets or other articles that hold the dust are prohibited in rooms used by children.

(i) All parts of the premises and all furnishings and equipment and materials used shall be kept at all times in a sanitary condition free from flies, rodents and other vermin.

(j) A lighted room or compartment shall be provided sufficiently large and so arranged that a child's outer garments may be hung separately.

(k) A properly ventilated space acceptable to the Department of Health shall be available for the temporary isolation of any child having symptoms of sickness, pending proper disposition of the case.

Regulation 4. Equipment and furnishings.

(a) **Educational and recreational equipment.**—Such material shall be clean, safe, and easily accessible to the children at all times. Such equipment shall be free from sharp, loose or pointed parts and all paints used thereon shall be lead free. It shall include play materials appropriate to the stage of development of the children under care, and designed to foster physical and motor development and creative play.

(b) **Sleeping facilities.**—A separate crib, canvas or metal cot or slat bed unit shall be provided. Cots and slat beds must be so placed as to provide at least 2 feet of space on all sides except that adjacent to a wall. If not so placed each cot or slat bed shall be provided with a screen or partition extending at least eight inches above the bottom and running the full length of the cot or slat bed. Pillows and mattresses are prohibited for children unless entirely covered by a moisture-proof material. Sheets on cribs shall be provided for children two (2) years old and under. Sufficient blankets shall be provided for all children to maintain adequate warmth during rest and sleeping periods.

(c) **Toilet facilities.**—There shall be provided within the building convenient to class or play room an adequate number of stationary washbasins with water and waste connections and flush toilets, each of such height and size as to be easily used by the children. If large equipment is installed, platforms or steps shall be provided so that the children may use such equipment without assistance. Where new equipment is being installed or replacements made, toilet seats with open fronts and of low height and small size so as to be easily and safely used without necessitating steps or platforms should be secured. The minimum allowance of toilet facilities shall be one flush toilet and one stationary washbasin for every 15 children. An adequate supply of hot and cold running water shall be provided and the plumbing shall be of the open sanitary type. If the agency is used by children of six (6) years of age and over, toilets shall be separated by partitions at least four feet high and shall not be used by boys and girls at the same time, and a minimum of one toilet and one stationary washbasin for each 25 children shall be provided.

(d) **Washing facilities.**—Soap and individual wash cloths and towels shall be provided and arrangements made to keep all toilet articles separate. The use of hair brushes is prohibited. If combs are used individual combs must be provided.

(e) **Drinking water.**—Drinking water supplied by sanitary means shall be easily accessible to class or play room, and individual drinking cups shall be provided. If bubble fountains are provided there shall be one for each thirty (30) children. If water supply other than the public supply is used, it shall be approved by the Department of Health.

(f) **Care of diapers.**—All soiled nursery linens, including diapers and articles of infant clothing, shall be freed from fecal or other material and shall be then immediately placed in a covered receptacle provided for this purpose. Thereafter, they shall be thoroughly washed and sterilized by boiling in water for 15 minutes or by any other approved method of sterilization, or if removed from the premises before such sterilization, similar service shall be provided by a laundry operating under a license issued by the Department of Licenses of

the City of New York. This procedure shall be so accomplished that there shall be no opportunity for contaminating food or infecting children.

(g) **Eating.**—Provision should be made for comfort during meals. Tables and chairs of proper height and size and adequate eating equipment that the child can handle easily shall be provided.

(h) **Clothing.**—Sufficient clothing for younger children shall be provided for wear in the agency to re-dress children in case of accident or if any should come in an unclean condition. All such clothing shall be thoroughly washed before being used for another child.

(i) **First-aid.**—An approved Red Cross first-aid kit shall be provided and kept completely stocked for emergency treatment, and readily available at all times and at least one staff member of those in charge of the children shall be qualified to administer first-aid.

Regulation 5. Care of foodstuffs and utensils.

(a) All foodstuffs shall be kept in clean covered receptacles.

(b) Milk shall be kept at a temperature below fifty (50) degrees Fahrenheit, and if purchased otherwise than in bottles, it must be transferred to sterile covered receptacles out of which it may be served without ladling.

(c) Milk bottles, nipples, and cooking utensils used in infant feeding shall be cleansed and sterilized in accordance with the physician's directions.

(d) Garbage receptacles, covered and of adequate size, shall be provided and the contents removed from the premises daily. The receptacles shall be cleaned (scalded) after emptying.

(e) Adequate refrigerators shall be supplied for food required to be kept at low temperatures.

Regulation 6. Admissions. The number of children specified in the permit is the maximum number permitted in the agency at any one time.

The following children shall not be admitted:

(a) Children with frequent epileptic seizures or an objectionable physical or mental condition.

(b) Children with any communicable disease.

(c) Children between the ages of nine (9) months and ten (10) years of age who have not been given prophylaxis respectively against smallpox and diphtheria. Exception may be made provided parent or guardian gives written consent for such prophylaxis. In such case a child shall be given prophylaxis within a reasonable time after admission unless there are medical contra-indications, in which case a doctor's certificate stating such contra-indications shall be submitted when child is admitted.

(d) A nursing child shall not be admitted unless specific approval of the agency's physician has been secured.

Regulation 7. Health and medical care.

1. **Examinations.**—Each child shall be given a complete medical examination by a physician before admission to the agency. A written record of such examination shall be filed with the agency, and shall include certification of freedom from communicable disease, measurement of weight and height, and recommendations for necessary medical treatment and special regimen as to diet, rest, etc. Each pre-school child shall be re-examined by a physician at least every six (6) months, and a record of such examination, including measurement of weight and height, shall be filed with the agency.

2. **Morning inspection.**—Such inspection shall be made by a person familiar with the child and competent to recognize symptoms of communicable disease and ill health.

3. Communicable disease.

(a) If any child in the agency develops symptoms of illness, he shall be isolated from the other children until he can be seen by a physician or safely removed from the agency. If the symptoms point to a communicable disease enumerated in Section 86 of the Sanitary Code, notice shall be given to the Bureau of Preventable Diseases by telephone, and the parent or guardian notified.

(b) Children, directors, teachers or other agency personnel with a communicable disease, or who have recently recovered from a communicable disease, or in whose family there is a communicable disease, mentioned in Section 92 of the Sanitary Code, shall not be permitted to attend a day care agency unless evidence appropriate to the particular case as herein-after specified is presented:

1. In the case of recovery from typhoid or paratyphoid fever, and in the case of recovery from or contact with diphtheria, or smallpox, either

the Department of Health form 302-V, or the Department of Hospitals form SR-3063-A, issued by a duly authorized representative of the respective Department.

2. In the case of recovery from meningococcus meningitis, poliomyelitis or streptococcal sore throat, including scarlet fever, either the Department of Health form 302-V, or the Department of Hospitals form SR-3063-A, issued by a duly authorized representative of the respective Department, or a physician's written and signed statement certifying the individual's recovery and freedom from disease in communicable form. Contacts of cases of meningococcus, meningitis, poliomyelitis and streptococcal sore throat, including scarlet fever, are not excluded from the agency.

3. In the case of recovery from measles, mumps, German measles, chicken-pox, or whooping cough, either the Department of Health form 302-V, or the Department of Hospitals form SR-3063-A, issued by a duly authorized representative of the respective Department, or a physician's written and signed statement certifying recovery and freedom from disease in communicable form. If no such certificate is presented, the individual may be readmitted if the period of isolation as specified in the regulations under Section 91 of the Sanitary Code is completed. These periods are as follows:

Measles—Five days after appearance of rash.

Mumps—Until all swelling of the affected glands has disappeared.

German measles—Five days after appearance of rash.

Chicken-pox—Seven days from onset (appearance of rash).

Whooping cough—Twenty-one days after whoop appears.

Contacts of cases of measles, mumps, German measles, chicken-pox, or whooping cough are not excluded from the agency.

(Amended September 9, 1947.)

Regulation 8. Staff.

(a) Constant and competent supervision must be provided for all children. The executive in charge should be a competent administrator with a knowledge of child development and behavior and shall have the capacity and responsibility for training other members of the staff. Training should include work with children under professional supervision, work with parents, a knowledge of community resources and how to use them. Such executive should also have demonstrated ability to make practical use of such training. All members of the staff should be friendly and emotionally stable, and have a sympathetic understanding of family and children's problems. The board, officers, or other persons having charge, management or control of an agency shall require of all executives and other employees who work in the agency and come in contact with the children, when appointed and annually thereafter, a certificate from a physician certifying such teacher or other employees to be free from disease in communicable form. Such certificate shall be based on a medical examination and chest x-ray, with such laboratory tests as may be indicated, and shall be kept on file.

(b) At least one (1) attendant shall be provided for each eight (8) children under two (2) years; one (1) for each fifteen (15) children from two (2) to four (4) years of age; one for each twenty-five (25) children from four (4) to six (6) years of age and one (1) for each thirty (30) school children over six (6).

Regulation 9. Records. A permanent register shall be kept of the name, home address and birth date of each child admitted; the names and home address of the parents or guardian, the place at which said parent can be reached in case of an emergency, during the hours when the child is in care of the agency, the date of admission, date of discharge with reason therefor.

A daily record shall be kept of children admitted.

Regulation 10. Inspection. An agency and its records shall be open at all times for inspection by a duly authorized agent of the Department of Health.

Regulation 11. Additional special provisions affecting children under eighteen (18) months of age.

1. **Medical care.**—Infants under one year shall be seen by the agency's physician at least once a week and weight records shall be made weekly for such a child.

2. **Diet.**—The diet of children under eighteen (18) months of age shall be regulated by the agency's physician, who shall prescribe a regimen including feeding formula and feeding intervals for each infant under one year. All formulae shall be prepared under sanitary conditions and no formula shall

be changed without the approval of the physician. If a child is already under regular medical supervision, the agency's physician shall consult with the physician providing this supervision to reach agreement on feeding advice.

3. **Staff.**—Where children under eighteen (18) months of age are cared for, a trained baby nurse immediately responsible for their care and a physician who can supervise in detail the diet and progress of each infant shall be provided.

Regulation 12. Discretion of the Board. If there are practical difficulties or unnecessary hardships in carrying out the strict letter of these regulations in any day care agency existing at the time these regulations take effect, the Board of Health in its discretion and in a specific case may modify any provision in harmony with their general purpose and intent and upon such conditions as it may deem necessary for the children's welfare. (*Repealed and reenacted February 9, 1943 and amended November 26, 1946.*)

§199. Vaccination; duties of parents, guardians, and others.

Every person, being the parent or guardian, or having the care, custody, or control, of any minor, or other individual, shall (to the extent of any means, power, and authority of said parent, guardian, or other person that could properly be used or exerted for such purpose) cause such minor or individual to be so promptly, frequently, and effectively vaccinated that such minor or individual shall not take, or be able to take the small-pox. (S. C., §147.)

§200. Schools and board schools regulated. (*Former section 200 repealed, repeal to take effect October 1, 1942, and new section 200 adopted by resolution filed with City Clerk August 19, 1942 and published in The City Record August 20, 1942.*)

1. No school shall be conducted or maintained in the City of New York otherwise than in accordance with the regulations of the Board of Health.

2. No children under sixteen years of age shall be boarded at a school or on any of its premises unless authorization in writing is first obtained from the Department of Health, or otherwise than in accordance with the regulations of the Board of Health.

3. For the purpose of this section and the regulations thereunder the term "school" shall be taken to mean and include an elementary school where more than four children are received for instruction in the subjects included in section six hundred and twenty, subdivision c, paragraph one-a of article twenty-three of the Education Law, and any nursery school or kindergarten which receives children from two to six years of age during the day for instruction or supervised play and is attached to and conducted as a part of such elementary school. Such a nursery school or kindergarten shall, however, be maintained in accordance with the provisions of Section 198 of the Sanitary Code in addition to the regulations herein. (*Subdivision 3 of Section 200 amended by resolution filed with City Clerk March 17, 1944 and published in The City Record March 20, 1944.*)

4. All permits heretofore issued to schools pursuant to the former Section 222 of the Sanitary Code shall be deemed revoked on October 1, 1942, when this section shall take effect. (*Adopted August 11, 1942 and amended March 14, 1944.*)

REGULATIONS GOVERNING THE CONDUCT AND MAINTENANCE OF SCHOOLS IN THE CITY OF NEW YORK

§200: Regulations governing medical examination of school children. (*Repealed by resolution filed with City Clerk August 19, 1942 and published in The City Record August 20, 1942; effective October 1, 1942.*)

§200: Regulations governing conduct and maintenance of schools in the City of New York. (*Added by resolution filed with City Clerk August 19, 1942 and published in The City Record August 20, 1942; effective October 1, 1942.*)

Regulation 1. Certificate from Department of Housing and Buildings and from Fire Department required. No school shall be conducted or maintained in the City of New York unless there has been obtained a certificate of occupancy or statement from the Department of Housing and Buildings and a statement from the Fire Department to the effect that the building and the premises, in so far as may be within their respective jurisdiction, comply with all building and fire laws, ordinances, rules and regulations applicable to such building, premises, school or boarding school.

Regulation 2. Schools in certain places prohibited. The conduct or maintenance of a school in a factory, mercantile or business building is prohibited.

Regulation 3. Boarding of children on school premises.

(a) No children under sixteen years of age shall be boarded at a school

or on any of its premises unless authorization in writing has been obtained from the Department of Health. Such authorization may only be granted upon presentation of a certificate of occupancy or statement from the Department of Housing and Buildings and a statement from the Fire Department to the effect that the building and premises are approved for the boarding of children in addition to maintaining a school thereat. The authorization shall be limited to the boarding of children between the ages of six and sixteen and shall state the maximum number of children to be boarded.

(b) In such cases the boarding of children shall be conducted in accordance with Regulations 5, 6, 7 and 9, paragraphs (a) to (f), of the Regulations Governing the Board and Care of Children and relating to Section 197 of the Sanitary Code.

Regulation 4. Copy of regulations; posting of cards; excess admission forbidden. A copy of these regulations shall be kept available at all times in the office of the school. There shall be posted a card on the door or wall near the entrance of every classroom, on which shall be stated the maximum number of children to be admitted therein at any one time as provided for in these regulations. Children in excess of the number allowed in accordance with these regulations shall not be permitted to be in the school, or in any classroom, or boarded thereat, except in the event of a temporary emergency.

Regulation 5. Use of rooms below street level. No basement or cellar as defined in the building code shall be used for sleeping purposes. A basement or cellar, that is adequately ventilated and lighted, may be used by children for short periods for other than sleeping purposes provided, however, that no child shall be kept or permitted to remain in such basement or cellar for a period exceeding one and one-half hours on any day.

Regulation 6. Classrooms not to be used for sleeping or living purposes. No rooms used for classes shall be used for sleeping or living purposes other than the temporary use of the classroom for sleeping during the day rest periods in which event if cots are used there shall be a space of not less than two feet between cots on all sides.

Regulation 7. Floor, air and window space and ventilation of rooms.

(a) Every room used for school, recreation or dormitory purposes shall comply with the provisions of the Building Code and all other laws applicable thereto relative to floor, air, window space and ventilation.

(b) The minimum allowance of space for each person in a classroom shall be fifteen square feet of floor space and two hundred cubic feet of air space.

Regulation 8. Lighting. Each room used by children shall be properly lighted by means of windows or skylights provided with adjustable curtains or shades of sufficient size and number to permit an adequate supply of natural light to be diffused to all parts of the room. Every room, passageway, stairway and hallway shall be equipped with artificial means of illumination, and shall be adequately lighted by such means during such times as the influx of natural light is inadequate. The illumination at any desk shall not be less than ten-foot candles. Luminaries should be of such type that flickering or exposed filaments are eliminated. The use of gas for lighting, heating or cooking in any room used by children is prohibited, except where used under direct supervision for teaching purposes.

Regulation 9. Heating. Heating apparatus shall be safe and adequate to insure proper heating. When artificial heat is necessary a temperature ranging between sixty-five and seventy degrees Fahrenheit shall be maintained in all classrooms used by the children during school hours, except that reasonably lower temperatures may be maintained when the classroom is temporarily used by children for sleeping during the day rest periods and the children are protected by extra covering or lower or higher temperatures where directed physical activities are being conducted. An accurate thermometer shall be installed in each room.

Regulation 10. Isolation facilities. Isolation facilities, in a room ventilated with a window opening to the external air, shall be provided for the temporary isolation of a child having or suspected of having a communicable disease, pending proper disposition of the case.

Regulation 11. Coatrooms. There shall be provided rooms, compartments, or wardrobes, ventilated, lighted and sufficiently large and so arranged that each child's garments may be hung separately.

Regulation 12. Desks and seats. Seats in classrooms used by the pupils shall be provided with backs. This regulation shall not apply to seats

in art rooms, laboratories, cafeterias, workrooms, gymnasiums and auditoriums. The seats and desks shall be suited to the size of the child so as not to cause any unhygienic postures.

Regulation 13. Drinking facilities. Drinking water supplied by sanitary means shall be located near classrooms and playrooms so as to be easily accessible. The use of the common drinking cup is prohibited. Individual drinking cups shall be provided, except where sanitary bubbler fountains are used, in which case there shall be one bubbler fountain for every one hundred children.

Regulation 14. Toilet facilities; number and arrangement.

(a) There shall be provided within the building, in properly ventilated compartments convenient to classrooms and playrooms, an adequate number of sewer-connected and water-supplied wash basins and waterclosets, each of such height and size as to be easily used by the children. If large size equipment is installed, platforms or steps shall be provided where necessary so that the children may use such equipment without assistance.

(b) Waterclosets shall be provided for each sex according to the following table. The number of waterclosets to be provided for each sex shall in every case be based upon the maximum number of pupils of that sex attending school at any one time.

Number of Pupils	Number of Closets
1 - 15	1
16 - 35	2
36 - 55	3
56 - 80	4
81 - 110	5
111 - 150	6
151 - 190	7

Thereafter, waterclosets shall be provided at the rate of one closet for every thirty pupils, or fraction thereof, except that in schools designed for a minimum occupancy of four hundred pupils, at least one toilet fixture shall be provided for each forty pupils, or fraction thereof, and in toilets for boys, at least one-fourth of the required number of fixtures shall be waterclosets. An adequate supply of toilet paper shall always be provided.

(c) Children from four to six years of age may be permitted to use the waterclosets in the same room providing it is not used by boys and girls at the same time. If used by both sexes at the same time, the waterclosets shall be separated by partitions at least four feet high. For male and female children over six years of age, waterclosets shall be provided in separate rooms, and partitions between waterclosets shall be at least five feet, six inches high.

(d) Wash basins, with an adequate supply of hot and cold running water, shall be provided in or adjacent to all toilet rooms in the following ratio, but in no instance less than two wash basins:

Number of Pupils	Wash Basins
100	2
200	4
300	6
400	7
500	8
600	9
700	10
800	11
900	12
1,000	13
2,000	23

Soap in sanitary containers, and individual paper or cloth towels or sanitary dryers shall be provided.

(e) All plumbing systems shall be of the sanitary type, free from cross-connections and sanitary hazards.

Regulation 15. Play space; study and rest periods.

(a) A playroom or recreation room shall be provided and wherever possible a suitable sanitary outdoor play space. Children kept on the premises for periods in excess of those required for classroom work and study shall devote the excess time to play, rest or recreation, preferably in the outdoor play space whenever weather conditions and health of the children permit.

(b) Children over six years of age if kept on school premises more than five hours, shall not be required to devote more than five hours to classroom work and study.

(c) Canvas or metal cots or wooden slat bed frames for use during rest periods shall be provided for each child under six years of age when such child is kept in school more than three hours per day. They shall be so placed as to allow not less than two feet between cots or beds on all sides. Pillows and mattresses are prohibited. Folded blankets may be used in their stead. Sufficient, clean and sanitary blankets shall be provided for all children.

Regulation 16. Equipment and furnishings.

(a) All walls and floors shall be so finished as to be readily washable. All equipment and furnishings shall be of such character as to be readily washable or otherwise cleansed. Heavy draperies, upholstered furniture, carpets and other articles that collect dirt are prohibited in classrooms.

(b) Tables, chairs, play apparatus, toys and other equipment used by the children shall be suitable in size to their age, and shall be readily washable.

(c) A first aid outfit shall be provided for emergency treatment of cuts, wounds, burns, etc., and shall be readily accessible at all times.

Regulation 17. Sanitary care of building, equipment and furnishings.

(a) All parts of the premises, and all furnishings, equipment and all materials used by the children shall be kept at all times in a clean and sanitary condition and free of flies, mosquitos, rodents and other vermin.

(b) Rooms shall not be swept or dusted while occupied by children.

Regulation 18. Care of foodstuffs and utensils; garbage.

(a) The provisions of Section 144 of the Sanitary Code relating to the cleansing of cooking, eating and drinking utensils shall apply to the maintenance and conduct of a kitchen and dining room in a school.

(b) Foodstuffs shall be kept in clean, covered receptacles.

(c) No child shall be permitted to remove the caps from milk containers or open single service milk container when such milk is intended for other individuals. If straws are used, they shall be handled in a sanitary manner.

(d) Food supplied to the children shall be of good quality, wholesome, properly prepared and of sufficient variety and served at regular hours.

(e) Suitable refrigerators shall be provided for foods requiring storage at low temperatures.

(f) Garbage receptacles, covered and of adequate size, shall be provided and the contents removed from the premises daily. The receptacle shall be cleaned (scalded) after emptying.

Regulation 19. Staff.

(a) The board, officers, or other persons having charge, management or control of a school shall require biennially of all teachers and other employees who work in the school and come in contact with the children, commencing February 1, 1944, and for new appointees at time of appointment, a certificate from a physician, on a form furnished by the Department of Health, certifying such teacher or other employee to be free from active tuberculosis. The certificate shall be based on a chest X-ray provided by the physician or the Department of Health. When the X-ray is provided by a physician, such teacher or employee shall submit the X-ray, properly identified, and certificate on form furnished by the Department of Health of the City of New York to the school authorities not more than thirty (30) days after the taking thereof, for review by the Department of Health. In every case where the X-ray so submitted is not satisfactory, an X-ray of the chest of such teacher or employee shall be made by the Department of Health. The school authorities shall place and keep on file the certificate of freedom from disease in communicable form but no such certificate shall be placed on file unless the X-ray has been made or reviewed by the Department of Health. Where the X-ray discloses a suspicious condition which cannot be properly evaluated on a single X-ray, such fact shall be endorsed on the certificate, and the chest of such teacher or employee shall be further X-rayed, his sputum examined and such physical examinations by the Department of Health as may be indicated made at such intervals as the said department may require.

(b) No teacher or other employee who has any communicable or suspected communicable illness, as provided in Section 95 of the Sanitary Code, shall be allowed to remain on duty.

(c) No teacher or other employee shall be allowed to return to duty after an illness unless evidence, satisfactory to the principal or person in charge of such school, is provided to the effect that such teacher or employee is not suffering from a disease in communicable form as provided in Regulation 22, subdivision (f) of these regulations.

(d) All employees, whether or not directly concerned with the care of the

children, shall be regularly instructed in the protection of children, in the event of fire or other emergencies.

(e) An adequate staff shall be maintained, including at least one person with training in the care of groups of children. There shall be one teacher or attendant for each class of pupils four years of age and over and at least one teacher or attendant shall be provided for each ten children under four years of age. Children must not be left unattended at any time.

(f) Where quarters for help or attendants are provided, they shall be maintained in a sanitary condition at all times.

Regulation 20. Conditions affecting admission of children; medical certificate required.

(a) The board, officers or other persons having charge, management or control of a school shall cause the provisions of Section 310 of the Public Health Law relating to vaccinations to be enforced as required therein.

(b) No child with frequently recurring epileptiform seizures shall be admitted to classes with normal children.

(c) Following a medical examination as hereinafter provided in Regulation 21, a medical certificate signed by a duly licensed physician authorized to practice medicine in the State of New York, shall be furnished by each pupil at the time of his or her admission to school. Such certificate shall contain a summary of the findings, the pertinent past medical history, together with recommendations, where indicated, for the modification of the child's school program.

(d) If any such pupil shall not present such medical certificate, the principal or person in charge of the school shall cause a notice to be sent promptly to the parent, guardian or other person having the care, custody or control of such pupil to the effect that, if the required medical certificate be not presented within ten days thereafter, a medical examination of such pupil will be made by the school physician. The principal or person in charge of the school shall report to the school physician the names of all pupils who shall not have furnished such medical certificate within ten days following the date of the sending of such notice, and said examination shall then be made by the school physician.

(e) Whenever in the course of a child's attendance at school, the Department of Health deems a further medical examination desirable, such examination shall be made in accordance with the provisions of Subdivisions (c) and (d) of this regulation.

Regulation 21. Required medical examination for admission; cumulative medical record card; crippled children. The medical examination for admission of children to school shall include the following points:

(a) **History.** The past medical history must include a record of communicable diseases, other illnesses, developmental history, immunizations, vaccinations, health habits, and familial disease. Where possible dates should be included.

(b) **Physician's examination.** Sufficient clothing shall be removed to allow a complete medical examination. When the examination is made by a physician of the Department of Health, it shall be in the presence of either the parent, or the nurse, teacher or other member of the school staff. The method of examination shall include the following procedures as a minimum requirement:

1. **Test for vision, or a record of such test.** The Snellen test card, or its equivalent, is to be used. The test card shall be placed where there is a minimum light of seven-foot candles. A separate examination and record of the visual acuity of each eye is required, a card or paper to be used to cover the eye not being tested. Tests conducted by well-trained non-medical personnel are acceptable.

2. **Test for hearing, or a record of such test.** Test by audiometer, or if this is not available, whispered voice at twenty feet. Each ear is to be tested separately. Group audiometer tests conducted by non-medical personnel are acceptable.

3. **Examination for nasal disease or obstruction.** Careful examination to note evidence of diseased or hypertrophied tissues and nasal obstructions. Cause of mouth breathing, whether due to habit or obstruction of nasal passages, should be noted.

4. **Examination for diseased tonsils.** Visual examination of the pharynx to be made with the use of an individual tongue depressor, and adequate illumination.

5. **Examination for defective teeth.** Visual examination of the interior of the mouth to be made. Uncleanliness, caries, and malocclusion must be recorded.

6. **Determination of nutritional status.** To be determined by taking into consideration the general appearance, condition of the skin and mucous membranes, subcutaneous and muscular tissues together with the record of general growth and development of the child and the familial habitus.

7. **Examination of heart.** Heart to be examined using the stethoscope.

8. **Examination of lungs.** Lungs to be examined by auscultation, using the stethoscope.

9. **Examination for orthopedic defects.** General inspection of the body to be made. Impaired mobility or defects of posture must be recorded.

10. **Examination for nervous manifestations.** Note whether functional or organic.

11. **Examination of head and skin.** Examine for communicable and other pathological conditions.

(c) **Recommendations by physician.**

1. **For medical care.** Wherever defects are found physician shall state the recommendations made to parents for correction of such defects.

2. **For school personnel.** If any changes in physical activities or school programs are desired, recommendations should be specifically stated for guidance of principal, teacher and nurse.

(d) **Cumulative medical record card.** All revealed defects and data relating to such examination and subsequent examinations shall be recorded on a cumulative medical record card. Such card or cards shall be kept by the school for each child and shall provide adequate space for other data hereinafter mentioned in Regulation 23.

(e) **Reports on crippled children.** The examining physician shall make a report to the Department of Health of every child who, through congenital or acquired defects is so handicapped in the use of his limbs or body musculature or who, because of the progressive nature of his condition, may be expected to become so handicapped as to be unable to compete on terms of equality with a normal individual of the same age.

Regulation 22. Medical and health care of school children.

(a) The term "physician" as used in these regulations shall mean a physician duly licensed to practice medicine under the laws of the State of New York.

(b) Every school shall have available the services of a physician who shall be the school physician and have charge of the health care of the children. In public schools, and in schools other than public which have requested such health services, such services shall be provided by the Department of Health. In every case where immediate medical care is needed, the person in charge of the school shall call an ambulance or obtain the services of a physician immediately.

(c) A health inspection shall be made of all children at or before the first class session each morning and teachers should be alert at all times throughout the school day to detect signs or symptoms of illness in a child. Any child showing evidence of illness shall be immediately isolated, and either sent home with a note suggesting that a physician be consulted, or referred to the school physician or nurse for appropriate disposition.

(d) The person in charge of the school shall comply with the provisions of Sections 86, 91 and 92 of the Sanitary Code and of the regulations thereunder. (*Amended October 14, 1947.*)

(e) No child shall be readmitted to school after absence due to illness unless the child presents evidence satisfactory to the principal or person in charge of the school that he or she is not suffering from a communicable disease.

(f) School children, school principals, superintendents, masters, teachers, instructors, custodians or other school personnel with a communicable disease, or who have recently recovered from a communicable disease, or in whose family there is a communicable disease, mentioned in Section 92 of the Sanitary Code, shall not be permitted to attend school unless evidence appropriate to the particular case as hereinafter specified is presented: (*Amended September 9, 1947.*)

1. In the case of recovery from typhoid or paratyphoid fever, and in the case of recovery from or contact with diphtheria, or smallpox, either the Department of Health form 302-V, or the Department of Hospitals form SR-3063-A, issued by a duly authorized representative of the respective Department.

2. In the case of recovery from meningococcus meningitis, poliomyelitis or streptococcal sore throat, including scarlet fever, either the Department of

Health form 302-V, or the Department of Hospitals form SR-3063-A, issued by a duly authorized representative of the respective Department, or a physician's written and signed statement certifying the individual's recovery and freedom from disease in communicable form. Contacts of cases of meningococcus meningitis, poliomyelitis and streptococcal sore throat, including scarlet fever, are not excluded from school.

3. In the case of recovery from measles, mumps, German measles, chicken-pox, or whooping cough, either the Department of Health form 302-V, or the Department of Hospitals form SR-3063-A, issued by a duly authorized representative of the respective Department, or a physician's written and signed statement certifying recovery and freedom from disease in communicable form. If no such certificate is presented, the individual may be readmitted if the period of isolation as specified in the regulations under Section 91 of the Sanitary Code is completed. These periods are as follows:

Measles—Five days after appearance of rash.

Mumps—Until all swelling of the affected glands has disappeared.

German measles—Five days from onset (appearance of rash).

Chicken-pox—Seven days from onset (appearance of rash).

Whooping cough—Twenty-one days after whoop appears.

Contacts of case of measles, mumps, German measles, chicken-pox, or whooping cough are not excluded from school.

Regulation 23. Records to be kept. Every school shall keep a record of each child admitted. On each such record there shall be entered the name, date and place of birth, and home address of the child, the names and address of the parents or guardian, the date of admission and the date of discharge of such child with the reason therefor. A cumulative medical record card or cards recording all revealed defects and data disclosed by the medical examination for admission, and by subsequent examinations, and all illnesses and accidents throughout the year together with other pertinent health data, shall be kept on file for each child. The records referred to in these regulations shall be kept available for inspection by a representative of the Department of Health at all reasonable times.

Regulation 24. Right of inspection. Every school shall be open for inspection by a representative of the Department of Health at all reasonable times.

Regulation 25. Modification of provisions. If there are practical difficulties or unnecessary hardships in carrying out the strict letter of these regulations in any school existing at the time these regulations take effect, the Board of Health, in its discretion and in a specific case, may modify any provision in harmony with their general purpose and intent, upon such conditions as it may deem necessary for the children's welfare. (*Adopted August 11, 1942, and Amended January 11, 1944, November 14, 1944, December 12, 1944, September 11, 1945, and January 14, 1947.*)

§201. Precautions to be observed by physicians, nurses, midwives or other attendants for the prevention of ophthalmia neonatorum in the eyes of all new-born children. (*Adopted August 10, 1922. Renumbered §104 September 9, 1947.*)

§202. Agencies sending children to camps outside of the limits of the City of New York to register; agency defined.

(1) Every agency in the City of New York sending or taking children under 16 years of age out of the City to a camp on vacation for periods of more than one day shall, before sending or taking any such children to a camp, register annually with the Health Department of the City of New York for the current calendar year.

(2) The application of registration by such an agency shall be made upon a form prescribed by the Commissioner of Health and no such application shall be accepted for registration unless there is annexed thereto a certificate from the State Department of Health of the State or of the local health officer where such camp is located, stating:

(a) The maximum number of children that can be adequately housed and accommodated thereat at one time;

(b) That there are adequate sanitary facilities for said children;

(c) That there are facilities for the proper storage of milk and other perishable foods;

(d) That the camp has a safe water supply; and

(e) That the camp complies with the local and State health rules and regulations applicable thereto.

(3) The term "agency" as used herein shall be taken to mean any person, corporation,

institution, association or agent whose activities in sending or taking children to vacation camps are supported or maintained from monies received, wholly or in part, from contributions, gifts, trust funds, or sources other than from the parents of the children taken or sent to vacation camps.

(4) This section, as amended, shall take effect immediately, except that for the year 1939 an application for registration may be accepted upon condition that the required certificate from the health authorities will be filed not later than August 1, 1939. (*As renumbered from former section 217-a, by resolution filed with City Clerk October 11, 1941 and published in The City Record October 16, 1941; former section 217-a last amended by resolution filed with City Clerk June 15, 1939 and published in The City Record June 17, 1939.*)

§203. Shelter giving emergency day and night care defined; conduct thereof regulated; registration required.

1. No shelter giving emergency day and night care to children shall be established or maintained in the City of New York, except by an institution duly incorporated for the purpose and registered with the Department of Health, or otherwise than in accordance with the regulations of the Board of Health.

2. The term "shelter" or "shelter giving emergency day and night care to children" as used in this section or in the regulations hereunder shall be taken to mean any place which for compensation or otherwise, receives for emergency day and night care, apart from their parents or guardians, six (6) or more well children under the age of sixteen (16) years, not of common parentage, for a period not exceeding three (3) months.

(*Section 203 added by resolution filed with City Clerk July 15, 1940 and published in The City Record July 16, 1940; effective November 1, 1940.*)

REGULATIONS

§203: Regulations 1-25: (*Added by resolution filed with City Clerk July 15, 1940 and published in The City Record July 16, 1940; effective November 1, 1940.*)

Regulation 1. Application for Registration; Certificates from Department of Housing and Buildings and Fire Department; Plans.

(a) An application to register with the Department of Health of the City of New York a shelter giving emergency day and night care to children shall be made on a form furnished by said department, and shall state:

1. The name and address of the shelter;
2. The full name of the corporation conducting the shelter and the names and addresses of the officers thereof;
3. The maximum number of children to be admitted to the shelter;
4. The maximum number of children to be admitted to each room used by the children;
5. The number of children under two (2) years of age, the number between two (2) and six (6) years of age, and the number over six (6) years of age to be cared for; and
6. Such other information as may be required by the Department of Health.

(b) There shall be submitted with the application:

1. A copy of the certificate of incorporation and evidence of approval by the State Board of Social Welfare;
2. A certificate of occupancy from the Department of Housing and Buildings of the borough in which the proposed shelter is located, and a certificate from the Fire Department, to the effect that the building and the premises for which registration is desired comply with all building and fire laws, ordinances, rules and regulations applicable to such building and the premises and to such shelter; and
3. A suitable floor plan drawn to scale showing all the rooms, (including plumbing fixtures, exits, clothes closets, etc.) with the dimensions thereof, and their uses for shelter purposes in such shelter; and no alteration contrary to said floor plan shall be made without the approval of the Department of Health, in addition to the required approvals of the Department of Housing and Buildings, and other city departments.

(c) No such shelter shall be conducted in a factory, mercantile or business building.

Regulation 2. Certificate of registration; posting of certificate and cards.

(a) Where an applicant for registration complies with these regulations, a certificate of registration shall be issued by the Board of Health for a period of one year from the date of issuance.

(b) The certificate of registration shall remain the property of the Department of Health and not of the corporation to whom issued, and shall be delivered on demand to said department on expiration, or when suspended or revoked.

(c) The certificate of registration shall be valid only for the premises for which issued and in the event of removal to another address, it shall be the duty of the corporation so registered to notify immediately the Department of Health of such removal.

(d) The certificate of registration shall be posted in a conspicuous place in the entrance lobby or reception room of the premises to which it applies.

(e) The corporation so registered shall post and keep posted on the door of every room where children are kept a card, furnished by the Department of Health, on which shall be stated the cubic air space and the floor space of each room, and the maximum children permitted therein at any one time, as stated on the application and the certificate of registration.

(f) A copy of these regulations shall be kept available at all times on the premises for which the certificate of registration is issued.

Regulation 3. Excess admissions forbidden. Children in excess of the number allowed by the certificate of registration shall not be permitted to be in the shelter or in any room thereat at any time.

PHYSICAL PLANT

Regulation 4. Use of rooms below street level. No room in which children are kept shall be so located that the floor on any side is more than three (3) feet below the surface of the ground surrounding the building.

Regulation 5. Floor, air and window space and ventilation of rooms; floor and air space in playrooms.

(a) Every room used for child-caring purposes shall have one or more windows opening upon a public thoroughfare or a yard or court not less than ten (10) feet in depth and extending the length or width of the building.

(b) Proper and sufficient ventilation, by natural or mechanical means, shall be provided in each room, and such ventilation shall be maintained at all times. When a room is ventilated by mechanical means, the air flow shall not be greater than at a rate of 1,200 cubic feet per person per hour, and the arrangement of inlets and outlets shall be such as not to subject the occupants to drafts.

(c) The minimum allowance of space for each person in a playroom shall be twenty (20) square feet of floor space and two hundred (200) cubic feet of air space.

Regulation 6. Lighting. Each room in which children are kept shall be properly lighted by means of windows or skylights provided with adjustable curtains or shades of sufficient size and number to permit an adequate supply of natural light to be diffused to all parts of the room. Every such room shall be equipped with artificial means of illumination, and shall be adequately lighted by such means during such times as the influx of natural light is inadequate. The use of gas for lighting, heating or cooking in any room used by the children is prohibited.

Regulation 7. Heating. Heating apparatus shall be safe and adequate to insure proper temperature. A temperature of not less than sixty-eight (68) and not over seventy-two (72) degrees Fahrenheit shall be maintained in all rooms used by the children, except when they are sleeping and are protected by extra covering, when reasonably lower temperature may be permitted. An accurate thermometer shall be hung in each such room.

Regulation 8. Isolation rooms. Adequate rooms or space, with partitions extending to the ceiling, and ventilated with windows opening to the external air, shall be provided for the temporary isolation of any child or children having or suspected of having a communicable disease, pending proper disposition of the case. One such isolation room shall be provided for every twenty-five (25) children or fraction thereof. Where cubicle formation is used, the partitions thereof shall be not less than eight (8) feet from the floor and each cubicle shall be counted as an isolation room. There shall be one bed in each isolation room or cubicle. Such isolation rooms shall have complete equipment for the care of sick children, including basins and utensils, running hot and cold water, space for attendants' gowns, etc., and shall be so located that linens, dishes, utensils, etc., can be carried out without going through other rooms or wards. Such isolation room or rooms shall be used for no other purposes.

Regulation 9. Coatrooms. There shall be provided a lighted hall,

room or compartment, sufficiently large and so arranged that each child's garments may be hung so as not to come in contact with those of other children.

Regulation 10. Drinking facilities. Drinking water, supplied by sanitary means, shall be easily accessible to playrooms and dormitories, and individual drinking cups shall be provided, except where sanitary bubbler fountains are used, in which case there shall be one (1) bubbler fountain for every thirty (30) children or fraction thereof.

Regulation 11. Toilet facilities, number and arrangement. There shall be provided within the building, in properly ventilated compartments convenient to playrooms and dormitories, an adequate number of stationary wash basins, with water and waste connections, and of stationary flush water-closets, each of such height and size as to be easily used by the children. If large size equipment is installed, platforms or steps shall be provided so that the children may use such equipment without assistance. The number of toilet facilities to be provided for each sex shall be regulated as follows:

For children from two (2) to six (6) years, one (1) stationary flush water-closet for every fifteen children or fraction thereof and one (1) stationary wash bowl for every thirty (30) children or fraction thereof. For children over six (6) years, one stationary flush water-closet for every twenty-five (25) boys or fraction thereof, and one such water-closet for every twenty-five (25) girls or fraction thereof. There shall be provided one stationary wash bowl for every fifty (50) boys or fraction thereof and one for every fifty (50) girls or fraction thereof.

In the boys' water-closets, where urinals are used, one (1) water-closet less than the required number may be provided for each such urinal, except that the number of water-closets in such cases shall not be reduced to less than two-thirds ($\frac{2}{3}$) the required number.

For children from four (4) to eight (8) years of age, water-closets shall be separated by partitions at least four (4) feet high, and shall not be used by boys and girls at the same time.

For children over eight (8) years, partitions in water-closets shall be five (5) feet high, and water-closets for male and female children shall not be in the same room. One bathtub shall be provided for each ten (10) children over two years of age. Showers, instead of tubs, may be used for older children.

An adequate supply of hot and cold running water in bathtubs and wash basins shall be provided, and the plumbing shall be of the open, sanitary type, free from all cross-connections and sanitary hazards. Soap in sanitary containers and individual wash cloths and towels shall be provided.

Regulation 12. Play space; rest periods. A playroom or recreation room, separate from the nursery or dormitory, and a sanitary, outdoor play space shall be provided. The playroom or recreation room shall be equipped with simple, washable toys. Whenever weather conditions and the health of the children permit, children under six (6) years of age shall have outdoor periods totaling three (3) hours per day, and for children over six (6) years of age, the minimum period of outdoor recreation shall be not less than two (2) hours per day.

Regulation 13. Equipment and furnishings; sleeping accommodations.

(a) All walls, ceilings, and floors shall be finished so as to be readily washable. All equipment and furnishings shall be of such character as to be readily washed or otherwise cleaned. Heavy draperies, upholstered furniture, carpets or other articles that hold the dirt are prohibited in rooms used by the children.

(b) Tables, chairs, play apparatus, toys and other equipment used by the children shall be suitable in size to their age, and shall be readily washable.

(c) For each child over six (6) years of age, a separate compartment and drawer shall be available to the child for personal clothing articles and belongings.

(d) Children shall be provided with individual toothbrushes and combs. The use of hairbrushes is prohibited. Arrangements shall be made to keep separate each individual set of toilet articles and for their suitable sterilization.

(e) A first aid outfit shall be provided and kept completely stocked for emergency treatment of cuts, wounds, burns, etc., and shall be readily accessible at all times.

(f) Openings into the outer air shall be effectively screened and doors shall be self-closing, unless other effective means are provided to eliminate flies or prevent their access.

(g) Where children over the age of six (6) years are received at a shelter, separate quarters for male and female children shall be provided.

(h) A separate metal bed or crib shall be provided for each child, suitable for its age. Cribs or beds shall be so placed as to provide at least two feet of free space on all sides, except on the side which is in contact with a wall. Double decker beds are prohibited. Mattresses shall be entirely covered by a moisture-proof material. Sheets also shall be provided.

(i) All sleeping rooms for children must be above street level and shall have at least thirty (30) square feet of floor space for each bed or crib, and at least six hundred (600) cubic feet of air space for each person sleeping in such rooms.

Regulation 14. Clothing supply. Sufficient clothing shall be provided for wear in the shelter. All such clothing shall be thoroughly washed before being used for another child.

Regulation 15. Care of diapers. All soiled diapers shall be placed immediately in water and thereafter thoroughly washed and boiled. No soiled diapers shall be permitted to be removed from the premises. Covered vessels for the reception of soiled diapers and proper washing and boiling of utensils shall be provided.

Regulation 16. Diet kitchen. A diet kitchen for preparation of formulae shall be provided for formula-fed infants, under supervision of a registered nurse or dietitian, and properly equipped for sterilization of bottles and utensils, pasteurization, storage of food and with adequate refrigeration.

Regulation 17. Sanitary care of building, equipment and furnishings.

(a) All parts of the premises, and all furnishings, equipment and all materials used by the children shall be kept at all times in sanitary condition, free from flies, rodents and other vermin.

(b) Any material used by a child who afterwards is found to have a communicable disease shall be thoroughly disinfected or shall be destroyed.

(c) Rooms shall not be swept or dusted while occupied by children. Dry sweeping is prohibited at all times.

Regulation 18. Care of foodstuffs and utensils; garbage.

(a) All foodstuffs shall be kept in clean, covered receptacles.

(b) Milk shall be kept at a temperature not above fifty (50) degrees Fahrenheit, and if purchased otherwise than in bottles or paper containers, shall be in milk dispensing containers approved by the Board of Health. The handling of milk from containers, filling of glasses, removal of bottle caps and the like shall not be performed by children under the age of twelve (12) years. Milk bottles, nipples and cooking utensils used in infant feeding shall be cleaned and sterilized in accordance with the physician's directions.

(c) The food supplied to children shall be wholesome, of good quality, properly prepared, and of sufficient variety, and served at regular hours.

(d) The shelter shall be equipped with suitable refrigerators for foods requiring storage at low temperatures.

(e) Garbage receptacles, covered and of adequate size, shall be provided and the contents removed from the premises at least once a day.

STAFF

Regulation 19. Staff.

(a) A complete medical examination shall be required of all employees when engaged, and re-examination at the end of one year, including laboratory tests and chest X-ray, when indicated.

(b) No employee shall be allowed to remain on duty who has any acute illness, communicable or possibly communicable, and particularly any respiratory infection.

(c) No employee shall be allowed to report for duty after an illness without an examination and a certificate from the shelter physician that he or she is not suffering from any communicable condition. Such certificate shall be filed in the office of the shelter.

(d) All employees, whether or not directly concerned with the care of the children, shall be regularly instructed in the protection of children, in accidents and in any emergencies.

(e) Professional and semi-professional workers shall be provided as follows:

1. Superintendent, responsible for intake and discharge of children, general conduct of the shelter, and for maintaining standards in all departments;

2. Physician, a regular member of the staff, responsible to the superintendent of the shelter;

3. A registered nurse, in charge of and directly responsible for the health care of all children. A second registered nurse must be employed for any children hospitalized on the premises;

4. A night nurse (a registered nurse, if possible) who is released from all day work.

5. Trained nursery maids, working under supervision as follows:

1 to every 5 babies or fraction thereof up to two (2) years;

1 to every 5 children or fraction thereof from two (2) to six (6) years; and

1 to every 8 children or fraction thereof six (6) years of age and over;

6. A trained nursery school worker (if possible) to supervise the children over two (2) years of age;

7. A part-time trained social service worker (if possible) and

8. A sufficient domestic staff for cooking, cleaning, laundering and for the care of the premises.

(f) Children shall not be left unattended at any time.

(g) Where quarters for help or attendants are provided, they shall be maintained in a sanitary condition at all times.

Regulation 20. Conditions affecting admission of children.

(a) Every child presented for admission to the shelter shall be kept separate and apart from the other children until given a thorough physical examination by a physician designated by the shelter. Written record of the results of such examination, including weight and height measurements, shall be filed by the physician with the shelter, together with a statement in each case of the necessary prophylaxis, medical treatment and special regimen as to diet, rest, etc.

(b) No child suffering with epilepsy, or an objectionable mental defect, or a communicable disease, shall be admitted to the shelter.

(c) No child between nine (9) months and ten (10) years of age, who has not been vaccinated and injected, respectively, for the prevention of small-pox and diphtheria, shall be admitted to the shelter unless the parent or guardian has given written consent for such vaccination and injection. In such case the child shall be vaccinated and injected within a reasonable time after admission.

(d) (*Subd. d of Regulation 20 repealed by resolution filed with City Clerk June 9, 1943 and published in The City Record June 11, 1943.*)

MEDICAL AND HEALTH CARE OF CHILDREN

Regulation 21. Medical and health care of children.

(a) Every shelter shall have attached to its staff a physician duly licensed under the laws of the State of New York. When the physician is appointed, the name and address of the physician shall be forwarded to the Department of Health for its records. Such physician shall be required to visit the shelter at least once a month. If infants under twelve (12) months of age are cared for, weekly visits by the physician shall be required.

(b) If a child is taken ill, the parent or guardian from which it was obtained shall be promptly notified and the child shall be examined and treated immediately by a licensed physician or at a hospital or dispensary.

(c) Hospitalization shall be provided for sick children requiring continued nursing care, either in separate quarters on the premises with a registered nurse in attendance, or in a regularly established hospital.

(d) If a child shows evidence of communicable disease, he or she shall be isolated immediately. If the symptoms point to a communicable disease required to be reported to the Department of Health, the child's name and address shall be telephoned immediately by the person in charge of the shelter to the Department of Health, Bureau of Preventable Diseases.

Regulation 22. Visitors. Visitors to the shelter shall be limited to parents and adults responsible for the child. It is recommended that babies under two (2) years shall be seen only through glass door or partitions. Children over two (2) years may be visited in a room set aside for the purpose, and shall be carefully supervised during the visit. Any person other than a member of the regular staff must be provided with a protective gown when visiting an open ward.

Regulation 23. Records. The shelter shall keep in a register a record of each child admitted. Such register shall be kept available for examination at all reasonable times by representatives of the Department of Health. On such register shall be entered the name, home address and age of each child, the

names and residences of the parents, or the name and address of the guardian or the child placing agency from whom the child was obtained, the time of reception and discharge of each child, and the reasons therefor. A record shall be kept of all illnesses and accidents occurring among the children admitted to the shelter. The aforesaid records and other records referred to in these regulations shall be kept available for at least four (4) years.

Regulation 24. Right of inspection. Every shelter shall be open at all hours for inspection by any representatives of the Department of Health.

Regulation 25. Modifications. In order to avoid undue hardship in shelters existing at the time these regulations take effect, the Board of Health if in its opinion the facts warrant may notify, or extend the time for compliance with the structural requirements contained in these regulations.

ARTICLE 12

MISCELLANEOUS PROVISIONS

- Section 211. Discharge of dense smoke prohibited.
212. Nuisance caused by the discharge or escape of cinders, dust, gas, steam, or offensive or noisome odors prohibited.
213. Spitting forbidden.
214. Use of common towels prohibited.
215. Noise from animals and birds prohibited.
- 215a. Loud or excessive noise from radios, etc., prohibited.
216. Smoking in subway prohibited.
217. Establishment and maintenance of tents and camps regulated.
- 217a. Agencies sending children to camps outside of the limits of the City of New York to register; agency defined.
- 217b. Trailer camp prohibited.
218. Physicians required to register in the Department of Health.
219. Nurses.
220. Hospitals; all drugs, etc., to be labeled.
221. Growth of poison ivy and ragweed prohibited.
222. Fumigants, exterminators and insecticides; permits, use, sale and distribution regulated.
223. Finely spun glass products, sale regulated.
224. Punishment for violation of the Sanitary Code.
225. Heating of occupied buildings.
226. Persons to protect nose and mouth when coughing or sneezing.
227. Dogs to be controlled so as not to commit nuisances.
228. Noise from bells, gongs, etc., prohibited.
229. Automobiles and other motor vehicles; loud and explosive noises prohibited.
230. Manufacture and sale of shaving or lather brushes containing hair or bristles, and brushes, cloth or other articles containing horse hair, goat hair, cow hair or sheep wool.

§211. Discharge of dense smoke prohibited.

No person shall cause, suffer or allow dense smoke to be discharged from any building, vessel, stationary or locomotive engine or motor vehicle, place or premises within The City of New York or upon the waters adjacent thereto, within the jurisdiction of said city. All persons participating in any violation of this provision, either as proprietors, owners, tenants, managers, superintendents, captains, engineers, firemen or motor vehicle operators or otherwise, shall be severally liable therefor. (S. C., §181.)

§212. Nuisance caused by the discharge or escape of cinders, dust, gas, steam, or offensive or noisome odors prohibited.

The owners, lessees, tenants, occupants and managers of every building, vessel or place in or upon which a locomotive or stationary engine, furnace or boilers are used, shall cause all ashes, cinders, rubbish, dirt and refuse to be removed to some proper place so that the same shall not accumulate, nor shall any person cause, suffer or allow cinders, dust, gas, steam, or offensive or noisome odors to escape or be discharged from any such building, vessel or place, to the detriment or annoyance of any person or persons not being therein or thereupon engaged. (S. C., §96.)

§213. Spitting forbidden.*

Spitting upon the sidewalk of any public street, avenue, park, public square, or place

* Sec. 102-c of N. Y. C. Criminal Courts Act, added by Ch. 278, L. 1943, empowers magistrates to try and punish violators of this section "as for an offense, punishment for which shall be by a fine of not to exceed twenty-five dollars or by imprisonment for not to exceed ten days, or both."

in The City of New York, or upon the floor of any hall in any tenement house which is used in common by the tenants thereof, or upon the floor of any hall or office in any hotel or lodging house which is used in common by the guests thereof, or upon the floor of any theatre, store, factory, or of any building which is used in common by the public, or upon the floor of any ferryboat, railroad car, or other public conveyance, or upon the floor of any ferryhouse, depot, or station, or upon the station platform or stairs of any elevated or subway railroad or other common carrier, or upon the tracks or roadbed, or into the street from the cars, stairs, or platforms of such elevated or subway railroads, is forbidden. The corporation or persons owning or having the management or control of any such building, store, factory, ferryboat, railroad car, or other public conveyance, ferryhouse, depot or station, or station platform or stairs of any such building, store, factory, ferryboat, railroad car, or other public conveyance, ferryhouse, depot or station, or station platform or stairs of any elevated or subway railroad or other common carrier, shall keep permanently and conspicuously posted in each of said places a sufficient number of notices forbidding spitting upon the floors and calling attention to the provisions of this section.

(S. C., §178 amended October 15, 1918 and November 26, 1946.)

§214. Use of common towels prohibited.

No person, firm, or corporation having the management and control of any factory, department store or other business establishment, school, hotel, theatre, concert hall, restaurant, cafe, or beer, wine, or liquor saloon, railroad station, railroad car, ferryhouse, ferryboat, public lavatory, public wash room, public comfort station, or any other public place, shall maintain therein or thereat any towel or towels for use in common.

The term "for use in common" as employed herein shall be construed to mean, for the use of or intended to be used by, more than one person.

The term "corporation" as used herein shall be construed to mean and include a municipal corporation.

(S. C., §190; amended June 30, 1915.)

§215. Noise from animals and birds prohibited.

No person owning, occupying, or having charge of any building or premises, shall keep or allow thereon or therein any animal or bird, which shall by noise disturb the quiet or repose of any person therein or in the vicinity, to the detriment of the life or health of such person. (S. C., §180.)

§215a. Loud or excessive noise from radios, etc., prohibited.

No person owning, occupying or having charge of any building or premises or any part thereof in The City of New York, shall cause, suffer or allow any loud, excessive or unusual noise in the operation or use, suffer or allow any loud, excessive or unusual noise in the operation or use of any radio, phonograph or other mechanical or electrical sound making or reproducing device, instrument or machine, which loud, excessive or unusual noise shall disturb the comfort, quiet or repose of persons therein or in the vicinity. (*Adopted April 8, 1930.*)

§216. Smoking in subway prohibited. (*Renumbered to be section 306 by resolution filed with City Clerk December 12, 1940 and published in The City Record December 13, 1940.*)

§217. Establishment and maintenance of tents and camps regulated.

No tent shall be raised or erected or any camp established, in The City of New York, to be used or occupied by any persons as a place for living or sleeping, nor shall any such tent or camp be so used or occupied without a permit therefor issued by the Board of Health or otherwise than in accordance with the terms of said permit and with the regulations of said board. (S. C., §186.)

REGULATIONS GOVERNING ESTABLISHMENT AND MAINTENANCE OF TENTS AND CAMPS—SANITARY CODE

(*Adopted March 30, 1915, effective April 1, 1915.*)

Regulation 1. Evidence of ownership of ground to be submitted. The premises on which tent or camp is located shall be owned by the applicant or proof furnished by him that premises are occupied by permission or under lease from owner.

Regulation 2. Drinking water. An adequate supply of drinking water shall be provided on camp grounds; at least one tap shall be provided for every four tents; such taps to be so arranged as to be easily accessible to

occupants of tents; water from wells other than the public water supply shall not be used without a permit from the Department of Health.

Regulation 3. Discharge of waste liquids. Waste liquids shall be discharged into a sewer where available, a cesspool, or in any case, so as not to create a nuisance.

Regulation 4. Waterclosets. Properly trapped, flushed, sewer-connected waterclosets shall be provided where such sewer connections are possible; such waterclosets shall be maintained in suitable, adequately ventilated compartments.

Regulation 5. Privies. Where sewer connections are not possible, suitable type metal cans or pails shall be provided for privies in suitable and adequate privy houses.

Regulation 6. Construction of privy houses. The privy houses shall be adequately ventilated to the external air, and all openings therein properly screened and protected against flies, and provided with a sufficient number of seats and cans or pails; the door of each privy house shall be self-closing; the privy house shall be so constructed as to permit of the removal of the cans and of the cleaning of the floor and space beneath the seats; the seats shall be provided with tight-fitting covers, kept closed when not in use; such privy cans or pails shall be set at least 4 inches above the surface of the surrounding ground on a platform of non-absorbent material, so placed and set as to fit close to the seat so as to prevent saturation of the woodwork around the same by filthy liquids.

Regulation 7. Care of privy cans and pails. An adequate supply of sand or lime shall be provided in the privy house. It shall be the duty of all persons using such privy house to sprinkle a small quantity of such sand or lime in the cans or pails provided therein, after each use thereof.

Regulation 8. Scavenger service to be provided. When the cans or pails are three-quarter full, they shall be removed, emptied, cleaned and disinfected by a licensed scavenger, and the contents disposed of according to the terms of the scavenger's permit.

Regulation 9. Exception to scavenger service. Where no scavenger service can be provided, the cans or pails before they are more than three-quarters full shall be removed from the privy, after having them properly and tightly covered, and carried at least 200 feet from the camp site and the contents there buried in a trench at least 3 feet deep, so that when buried there shall be at least 2 feet of earth cover, and the trench then properly filled in, provided that such night soil shall not be buried in any place where it or seepage from it, may contaminate any water supply.

Regulation 10. Garbage disposal. All garbage and refuse shall be stored in metal cans with tight fitting metal covers, and such garbage and refuse shall be removed from the camp daily.

§217-a. Agencies sending children to camps outside of the limits of the City of New York to register; agency defined. (*Renumbered to be section 202 by resolutions filed with City Clerk October 11, 1941 and published in The City Record October 16, 1941.*)

§217-b. Trailer camp prohibited.

No trailer camp shall be conducted or maintained in the City of New York.

"Trailer Camp" defined. A trailer camp shall mean and include any premises where one or more automobile trailers or house cars are parked for living or sleeping purposes, or any premises used or held out for the purpose of supplying to the public a parking space for a trailer or a house car for living or sleeping purposes.

(*Section 217-b amended by resolution filed with City Clerk August 12, 1943 and published in The City Record August 13, 1943.*)

§217-b. Regulations governing the conduct and maintenance of trailer camps in the City of New York. (*Repealed by resolution filed with City Clerk August 12, 1943 and published in The City Record August 13, 1943.*)

§218. Physicians required to register in the Department of Health.

Every licensed physician practicing medicine in the City of New York shall register his or her name and address and every change of address in the office of the Bureau of Records and Statistics of the Department of Health in the borough in which he or she intends to

practice. Every such physician shall present, at the time of such registration, his or her County Clerk's registration certificate or biennial state registration certificate.

Every resident physician or intern duly appointed as such in a legally incorporated hospital, state hospital, municipal hospital or other institution in which medical service is furnished, shall register his or her name and address in the office of the Bureau of Records and Statistics of the Department of Health in the borough wherein the hospital or institution is located. Such resident physician or intern shall present, at the time of registration, a letter from the superintendent of the hospital or institution certifying to his or her appointment and the period of time it covers, together with evidence: (a) that he or she is licensed to practice medicine or (b) that he or she has received the degree of Bachelor or Doctor of Medicine and that the medical school by which the degree was granted is approved by the Department of Education of the State of New York.

The Bureau of Records and Statistics shall maintain two types of registers: One for physicians licensed by the State of New York and the other for resident physicians and interns. A person registered with the Department of Health as a resident physician or intern shall be required to re-register as a licensed physician if he or she engages in the private practice of medicine in the City of New York.

Nothing contained in this section shall be construed to affect the practice of medicine in the City of New York by a commissioned medical officer serving in the United States Army or Navy or Public Health Service or any physician or surgeon employed in the United States Veterans Administration while engaged in the actual duties prescribed for him under the United States statutes.

(S. C., §160 generally revised March 11, 1947 effective June 1, 1947.)

§219. Nurses.

No person, other than one who shall have received from the Regents of the University of the State of New York a certificate of his or her qualifications to practice as a Registered Nurse shall assume the title, Registered Nurse, or use the abbreviation, R. N., or any other letters or words or figures, to indicate that such person is a Registered Nurse. No person other than one who shall have graduated after a course of training of not less than 2 years' duration, from a hospital training school for nurses, shall practice as or hold himself or herself out to be or be by anyone held out or represented to be a trained, graduate or certified nurse, or use any letters, words, figures or device to indicate that such person is a trained, graduate or certified nurse. (*Amended March 30, 1915.*)

§220. Hospitals; all drugs, etc., to be labeled.

No hospital, sanitarium or other institution for the care or treatment of persons, shall have in its possession or upon its premises, any flask, bottle or other container of any solution, drug, medicine, or any substance or preparation having therapeutic properties unless there is securely attached to said flask, bottle or other container a label clearly and legibly stating the name of the solution, drug, medicine or substance having a therapeutic property contained therein, together with the percentage strength of same.

If any such container with its contents is to be heated for the purpose of sterilization or other reasons, then the label hereinbefore referred to, shall be in the form of a metal strip or other incombustible material securely attached in a manner so as to not be affected by the heat applied.

Any such flask or bottle or other container so labeled shall not contain any substance other than that appearing upon the said label.

In every hospital, sanitarium or other institution for the care or treatment of persons, all boric acid in powder or solution not stored or kept in the pharmacy thereof, shall be stored or kept in the medicine cabinet under lock and key especially provided for the purpose and all non-toxic solutions which may be used intravenously or for infusion or hypodermolysis, shall be stored in a separate closet under lock and key, which closet shall not be used for keeping or storing of any other solutions, drug or substance. Such medicine cabinets and closets shall be in charge of a duly registered nurse.

(Former §220 repealed December 8, 1936. Former §220a adopted February 28, 1933, renumbered to be §220 by resolution filed with City Clerk October 11, 1941 and published in *The City Record* October 16, 1941.)

§220-a. Hospitals; all drugs, etc., to be labeled. (*See section 220 set forth immediately preceding this section.*)

§221. Growth of poison ivy and rag weed prohibited.

No person owning, occupying, or having charge of any lot or premises in The City of New York shall cause, suffer, or allow poison ivy, rag weed, or other poisonous weed to grow therein or thereon in such manner that any part of such ivy, rag weed, or other

poisonous weed shall extend upon, overhang, or border upon any public place, or allow the seed, pollen, or other poisonous particles or emanations therefrom to be carried through the air into any public place. (*Adopted June 30, 1915.*)

§222. **Schools; permits required.** (*Repealed by resolution filed with City Clerk August 19, 1942 and published in The City Record August 20, 1942; effective October 1, 1942.*)

§222. **Regulation governing the establishment and maintenance of private schools in the City of New York.** (*Repealed by resolution filed with City Clerk August 19, 1942 and published in The City Record August 20, 1942; effective October 1, 1942.*)

§222. **Fumigants, exterminators and insecticides; permits, use, sale and distribution regulated.**

1. No person shall use in any building, vessel or other place in the City of New York, a fumigant, exterminator or insecticide for the destruction or control of insects, vermin, rodents or other pests, or engage in the business of such fumigation or extermination, without a permit issued therefor by the Board of Health or otherwise than in accordance with the terms of said permit and the regulations of said Board. This provision, however, shall not apply to a person using an exterminator or insecticide in his own home, building or place of business, except that if the place of business is one where food is stored, prepared or held or kept for sale, no poisonous exterminator or insecticide may be kept on the premises or used by such person other than an exterminator or insecticide containing a fluoride, colored nile blue or pale nile blue or microline green, properly labeled and packed in non-refillable containers and in the manner prescribed in subdivision 5 of this section.

2. The term "fumigant" shall mean and include any substance which by itself or in combination with any other substance emits or liberates a gas, fumes or vapors and which gas, fumes or vapors when liberated and used for the destruction or control of insects, vermin, rodents or other pests are lethal, poisonous, noxious or dangerous to human life. The terms "exterminator" or "insecticide" as used herein shall mean and include any substance, not a fumigant, under whatever name known, used for the destruction or control of insects, vermin, rodents or other pests.

3. There shall be five types of permits, as follows:
- Fumigant Permit—to conduct the business of fumigation;
 - Exterminator Permit—to conduct the business of extermination;
 - Employee—fumigant operator permit;
 - Employee—exterminator operator permit;
 - Owner—operator permit (fumigant or exterminator).

A fumigant permit entitles the holder thereof to engage in the business of fumigation and extermination; and an exterminator permit entitles the holder thereof to engage only in the business of extermination. No person holding an employee-fumigator operator permit shall engage in the occupation of fumigation and/or extermination, except in the course of employment on behalf of a holder of a fumigant permit, except that he may engage in the occupation of extermination only on behalf of a holder of an exterminator permit. No person holding an employee-exterminator operator permit shall engage in the occupation of extermination, except in the course of employment on behalf of a holder of a fumigant permit or an exterminator permit.

4. No person shall sell or give away or distribute in the City of New York any poisonous substance as an exterminator or insecticide unless the container bears a label legibly and conspicuously printed with the word "poison" and the symbol of the skull and crossbones in red ink followed with the words "Caution—This exterminator or insecticide contains (state the name of the poison), a deadly poison," together with the antidote therefor and the name and address of the manufacturer or packer, and the words "poison," "caution" and "antidote" in block type of a larger size than the other wording, viz:—

"POISON
Symbol
Skull and Crossbones
CAUTION
This exterminator or insecticide contains (insert name of poison),
a deadly poison.
ANTIDOTE—(state briefly)
Manufactured (or packed) by

Name
Address"

5. No person shall use, sprinkle or allow to remain sprinkled in a food establishment

any poisonous exterminator or insecticide. However, an exterminator or insecticide containing wholly or in part any fluoride, colored nile blue or pale nile blue or microcline green, may be used and sprinkled on the floors of the food establishment, and on the walls or other parts thereof provided said exterminator or insecticide is not placed in refrigerators, on shelves or other places where it can come in contact with exposed foods.

6. No fluoride or mixture containing a fluoride shall be kept, offered for sale, sold or used as an exterminator or insecticide unless distinctively colored nile blue or pale nile blue or microcline green as designated by Ridgway's Color Standards and Color Nomenclature, and when such fluoride or mixture containing fluoride is offered for sale or sold in powdered form at retail as an exterminator or insecticide in quantities of five pounds or less, the same shall be packed in non-refillable containers.

7. No person shall prepare or manufacture, sell, offer for sale, give away, deal in, supply, or use, or have in his or her possession with intent to sell, offer for sale, give away, deal in, supply, or use an exterminator or insecticide which contains living bacterial organisms or any culture or preparation thereof.

8. No person shall use in fumigation, nor sell, offer for sale, give away or supply, for use in connection with fumigation, any gas mask and/or canister therefor, unless such gas mask and canister are of a type approved by the United States Bureau of Mines, and bear the stamp of approval of said Bureau. No person shall refill any canister for use in connection with fumigation after said canister has been exhausted nor use a refilled canister in fumigation. Provided, that this provision in so far as it relates to approved canisters shall not apply if there are no canisters approved by the Bureau of Mines for the gas to be used.

(Section 104 amended by resolutions filed with City Clerk February 16, 1942 and published in The City Record February 18, 1942; renumbered section 222 September 9, 1947.)

REGULATIONS

Regulation 1. Application for permits. Applications for a permit to conduct the business of fumigation or extermination and application for respective employee-operator permits shall be made on blank forms furnished for such purpose by the Department of Health. All applicants must pass an examination given by the Fumigant Board as hereinafter provided. If an applicant for a permit to conduct the business of fumigation or extermination is a partnership, at least one member thereof, or if a corporation, at least one officer thereof, must pass such an examination before the respective permit is issued. When such a permit has been issued, every member of the partnership or officer of the corporation passing such examination shall receive an owner-operator-fumigant or exterminator permit, as the case may be, which entitles the holder thereof to engage as an operator in the active work of fumigation or extermination respectively. Such owner-operator permit shall be issued without fee and shall, unless revoked, expire on the same date as the permit issued to the partnership or corporation. Only those members of the partnership or officers of the corporation who have passed such an examination and received an owner-operator permit shall engage as an operator in the active work of fumigation or extermination as the case may be. Where a permit to conduct the business herein mentioned has been issued to a partnership or corporation, there must be at all times during the term of such permit a member of such partnership, and in the case of a corporation, an officer thereof who is the holder of an owner-operator permit as hereinbefore provided, otherwise, the permit to conduct such business may be revoked by the Board of Health. The application shall contain in addition to other information, the following:

- (a) Name, age and address of applicant.
- (b) Qualifications of applicant.
- (c) If an employee, the name and address of present employer.
- (d) If applicant be a corporation—
 1. Full and accurate corporate name.
 2. When and where incorporated.
 3. Name of county where certificate has been filed and date of filing.
 4. Principal place of business of corporation.
 5. Full names and addresses of officers of corporation.
 6. Name of officer or officers who are to take the examination and their qualifications.
- (e) If applicant be a partnership—
 1. The names and addresses of members thereof and the names of the partners who are to take the examination and their qualifications.
- (f) If applicant conducts business under a trade name, the following additional information—
 1. Complete and full trade name.

2. The name of the person or persons doing business under such trade name.
3. Name of county where certificate of doing business was filed, together with date of filing.

Regulation 2. Examination—Fumigant Board.

(a) Every applicant for a fumigant or exterminator permit must pass a qualification test to determine his character, training and experience.

(b) Such examination shall be conducted by a Board which shall consist of three (3) employees of the Department of Health designated by the Commissioner of Health and which shall be known as the "Fumigant Board." Said Board shall investigate the character, training, experience and fitness of every applicant and shall investigate any and all complaints or matters involving fumigation or extermination and report its findings and recommendations to the Board of Health.

Regulation 3. Exception certificate. A person, firm or corporation engaged in a business which requires it to employ fumigation in connection with its own premises or its own goods, wares and merchandise contained therein, or, in the case of a public warehouse, in connection with the premises thereof or the goods, wares and merchandise of others stored therein, may conduct fumigation upon said premises, provided, however, that an exception certificate has first been obtained by such person, firm or corporation from the Board of Health and that such fumigation shall be carried on only by the holder of an employee-fumigant-operator permit who is in the exclusive employment of such person, firm or corporation.

Application for exception certificate shall be made on blank forms furnished for such purpose by the Department of Health and shall contain such information as may be required by said Department. There shall be no fee for such certificate.

Regulation 4. Notification of fumigation. Every person, firm or corporation before performing fumigation in any building, vessel or other enclosed space, shall notify in writing, the Sanitary Bureau in the Borough in which the fumigation is to be performed, the Fire Department and the local precinct of the Police Department, giving the location of the building, vessel or enclosed space to be fumigated as well as its character and use, the fumigant to be used, the date and time when the fumigation will be performed. This notice must be filed with each department in the manner hereinbefore stated at least forty-eight (48) hours prior to the time set forth in the notice for such fumigation to be commenced. In the case of vessels, a shorter time for filing of notice shall be discretionary with the Fumigant Board.

The notice to the Department of Health in addition to the above shall state the date or dates when the notice required herein was given to the Fire Department and the local precinct of the Police Department.

No such fumigation shall be performed unless the Departments mentioned herein have been notified in accordance with the requirements of this regulation.

Regulation 5. Premises to be vacant. No building, or enclosed space shall, during the period of fumigation, be occupied by human beings. It shall be the duty of the operator to make, or cause to be made, a careful examination of all parts of such building, or enclosed space in order to verify that no human beings have remained therein, and that all necessary precautions had been undertaken to safeguard the lives and health of all persons occupying buildings adjoining that in which the fumigation is to be performed.

Regulation 6. Cracks and other openings. It shall be the duty of the operator in charge of the work on the premises to be fumigated to make a personal inspection and examination of the premises, cause all cracks, crevices, openings and apertures in the walls, ceilings and floors to be properly and securely sealed in such manner as to confine the fumigant exclusively to the building, vessel or other enclosed space intended to be fumigated, and take all other practical precautions necessary to protect and safeguard the health of all persons that may in any way be affected.

Regulation 7. Crew to be removed from vessel. No vessel shall be fumigated until the Captain or other commanding officer shall have mustered the crew and caused the members thereof and all other persons therein or thereon to leave and remain away from such vessel during the process of fumigation.

Regulation 8. Materials and operator. The materials and apparatus used in fumigating shall be placed in the room or rooms to be fumigated after all openings, except the one used for entry and exit of the operator, are properly sealed. The operator placing or liberating the fumigant chemicals or gas or

material shall be properly protected and safeguarded by suitable gloves and an approved mask and canister. He alone shall be allowed in the room or rooms to be fumigated during the placing of the chemicals, gas or materials, after fumigation is completed and until the premises are properly ventilated and made safe for human occupancy.

Regulation 9. Danger signs. Prior to the fumigation suitable warning signs shall be posted on all doors or entrances to the premises to be fumigated, and upon all gangplanks, ladders, etc., from the dock, pier or land to the vessel, as follows:

D A N G E R		
FUMIGATED WITH		
{ Crossbones	(State name of	Crossbones }
and	chemical or gas)	and
{ Skull	DEADLY POISON	Skull }
ALL PERSONS ARE WARNED TO KEEP AWAY		

Name of Fumigator

Address

Operator in charge

Such signs shall be printed in red ink on white cardboard, letters to be at least two (2) inches in size. At night such signs shall be illuminated.

Regulation 10. Notice to occupants. Notice of warning as herein-after mentioned must be served twelve (12) hours in advance of any fumigation upon the occupants of the building, vessel or other space by leaving same with a reasonable person therein and if not present by attaching same in a conspicuous manner on the entrance door to such apartment, room or other space occupied by a human person. Said notice shall state the premises or other enclosed space that is to be fumigated, the date and time of fumigation, the name and address of the person or firm or corporation conducting the fumigation and the name of the operator in charge, together with a danger warning to the effect that the premises so occupied must be vacated within an hour of the time the fumigation is to be commenced, and not to be re-entered until a certificate signed by the fumigator declaring the premises safe for human occupancy has been posted in the entrance halls.

Regulation 11. Watchman. During the period fumigation is in process, a capable, alert, watchman or watchmen shall remain on duty at the entrance or entrances to the building, vessel, or enclosed space fumigated and until after the fumigation is completed and until the premises are properly ventilated and again safe for human occupancy.

Regulation 12. Before re-entry, building to be declared safe. The fumigator shall not permit or allow any person to enter the premises after fumigation until he has declared the premises safe for human occupancy as herein provided. Any vessel, building or enclosure after having been fumigated shall not be declared safe for human occupancy until the fumigator

- (a) shall have inspected without gas mask or other means of protection every part of the premises.
- (b) Shall have opened all windows, top and bottom, all doors and other means of ventilation in every part of the premises and kept them open for a period of not less than six (6) hours.
- (c) Shall have opened all drawers, closets, etc., in every part of the premises and kept them open for a period of not less than six (6) hours.
- (d) Shall have removed from beds and aired all mattresses, bedding, pillows and blankets and aired clothing in every part of the premises.
- (e) Shall have certified as a result of a final inspection of the premises that the entire premises is safe for human occupancy.

Such certification or certificate shall state that the premises are safe for human occupancy and shall be conspicuously posted in the entrance hall or halls of the premises. The certificate shall be signed by the fumigator and the date and hour of the day when such signature is affixed shall be therein set forth.

Regulation 13. Special room, vault or tank. Every special room, vault or tank maintained by a holder of a fumigant permit, or a fumigant exception certificate at his place of business for the purpose of fumigating articles, must be approved by the Fumigant Board as to the construction, location and ventilation. All such special rooms, vaults or tanks must be gas-tight and the owner thereof shall periodically test and inspect and take all precautions

for the airing of such special rooms, vaults or tanks so as to allow for the evacuation of the fumigant without endangering life or health. A suitable warning notice with the word "Danger" in type not less than four (4) inches in size must be securely attached to every door or other entrance to said vault.

No watchman and no notice as required in these regulations shall be necessary when fumigation is conducted in such approved special room, vault or tank, but all other precautionary measures must be taken.

Regulation 14. Apprentice certificate. No person shall work and no employer shall engage or allow or permit such person to work as a helper or an apprentice to a fumigator or exterminator operator unless he is a holder of an apprentice certificate. Before an apprentice is engaged an application must be filed by the employer for an apprentice certificate signed by the apprentice and countersigned by said employer. No such apprentice holding such a certificate shall engage in any part of the work of fumigation or extermination as the case may be, except under the direction and supervision of a licensed operator. Such apprentice certificate shall expire ninety (90) days after date of issuance unless employment is sooner terminated or the certificate is otherwise revoked by the Board of Health.

A person who has properly served an apprenticeship to an exterminator or fumigator for a period of ninety (90) days shall be eligible, in the case of an exterminator, for an employee-exterminator-operator permit examination, and in the case of a fumigator, for an employee-fumigator-operator or employee-exterminator-operator permit examination. An applicant for any of the afore-said permits who has had a minimum of two years of academic training which included a course in chemistry shall be eligible for an examination after serving an apprenticeship of not less than thirty days. Where an exception certificate has been granted and the person to be employed as an employee operator is not a licensed employee operator, the Fumigant Board may waive the apprenticeship requirement, but in such case the permit issued following a successful examination, shall restrict his employment as an employee exterminator operator or an employee fumigant operator to the holder of the exception certificate.

(Adopted June 3, 1920, amended December 1, 1931, May 11, 1937, former §104 renumbered §222 September 9, 1947.)

§223. Finely spun glass products, sale regulated.

No product which in its finished state consists in whole or in part of finely spun glass, or of a similar physical texture, shall be held, kept or offered for sale in The City of New York unless the container in which the product is distributed to the consumer shall have on at least two sides thereof, a warning notice stating that proper protection for the hands should be taken when using this material. The notice shall be legibly and conspicuously printed in clear type with letters of not less than one-eighth ($\frac{1}{8}$) of an inch in height. (Former §223 renumbered §102 October 22, 1935; new §223 adopted November 10, 1936.)

§224. Punishment for violation of the Sanitary Code.*

Any violation of the Sanitary Code of The City of New York shall be punished in the manner prescribed by sections 1740 and 1937 of the Penal Law of the State of New York, section 558 of the New York City Charter, and section 564-6.0 of the Administrative Code of The City of New York. (As amended filed with City Clerk October 11, 1941 and published in The City Record October 16, 1941.)

§225. Heating of occupied buildings.

It shall be the duty of every person who shall have contracted or undertaken, or shall be bound, to heat, or to furnish heat for any building or portion thereof, occupied as a home or place of residence of one or more persons, or as a business establishment where one or more persons are employed, to heat, or to furnish heat for every occupied room in such building, or portion thereof, so that a minimum temperature of sixty-five (65) degrees Fahrenheit may be maintained therein at all such times. The provisions of this section shall not apply to buildings, or portions thereof, used and occupied for trades, businesses, or occupations where high or low temperatures are essential and unavoidable.

For the purpose of this section, wherever a building is heated by means of a furnace, boiler, or other apparatus under the control of the owner, agent, lessee, superintendent or janitor of such building, such owner, agent, lessee, superintendent or janitor in the absence

* Sec. 102-c of N. Y. C. Criminal Courts Act, added by Ch. 278, L. 1943 and amended by Ch. 197, L. 1947, empowers magistrates to try and punish violators of this section "as for an offense, punishment for which shall be by a fine of not to exceed twenty-five dollars or by imprisonment for not to exceed ten days, or both."

of a contract or agreement to the contrary, shall be deemed to have contracted, undertaken, or bond himself or herself to furnish heat in accordance with the provisions of this section.

The term "at all times" as used in this section, unless otherwise provided by a contract or agreement, shall include the time between the hours of 6 a. m. and 10 p. m. in a building, or portion thereof, occupied as a home or place of residence, of each day whenever the outer or street temperature shall fall below fifty-five (55) degrees Fahrenheit, and during the usual working hours established and maintained in a building, or portion thereof, occupied as a business establishment, of each day whenever the outer or street temperature shall fall below fifty (50) degrees Fahrenheit.

The term "contract" as used in this section shall be taken to mean and include a written or verbal contract.

Where a person who is bound to furnish heat, as provided by this section, is a corporation, such corporation and the President, Secretary and Treasurer thereof and also the Superintendent and the Janitor of the premises shall each be liable for any failure to comply with the provisions of this section.

(Adopted October 17, 1918, amended December 11, 1919, January 26, 1928, October 17, 1918 and February 11, 1947, amended January 13, 1948.)

§226. Persons to protect nose and mouth when coughing or sneezing.

In order to prevent the conveyance of infective material to others, all persons shall, when coughing or sneezing, properly cover the nose and mouth with an handkerchief or other protective substance. *(Adopted October 17, 1918.)*

§227. Dogs to be controlled so as not to commit nuisances.*

No person having the right and ability to prevent shall, knowingly, or carelessly or negligently, permit any dog or other animal to commit any nuisance upon any sidewalk of any public street, avenue, park, public square, or place in The City of New York; or upon the floor of any hall of any tenement house which is used in common by the tenants thereof; or upon the fences of any premises, or the walls or stairways of any building, abutting on a public street, avenue, park, public square, or place; or upon the floor of any theatre, store, factory, or any building which is used in common by the public, including all public rooms or places therewith connected; or upon the floor of any ferry house, depot, or station; or upon the station platform or stairs of any railroad or other common carrier; or upon the roof of any tenement house used in common by the tenants thereof; or upon the floor of any hall, stairway, or office of any hotel or lodging house which is used in common by the guests thereof; nor shall any such person omit to do any reasonable and proper act, or take any reasonable and proper precaution, to prevent any such dog or other animal from committing such a nuisance in, on, or upon, any of the places or premises herein specified. *(Adopted November 4, 1918.)*

§228. Noise from bells, gongs, etc., prohibited.

No person shall cause, suffer or allow to be attached to, or maintained in or upon any building or premises any bell or gong, which shall by noise disturb the quiet or repose of persons in the vicinity thereof, to the detriment of the repose or health of such persons. All persons participating in the violation of this provision, either as proprietors, owners, tenants, managers or superintendent of such building or premises, or licensees or licensors of such electric bell or gong, or otherwise, shall be liable therefor. *(Adopted August 20, 1919.)*

§229. Automobiles and other motor vehicles; loud and explosive noises prohibited.

Every automobile, or other vehicle equipped with a gasoline or other internal combustion engine in which gas is generated or used for the purpose of propulsion, shall be constructed so that the exhaust from such engine is made to discharge into a muffler or other device which will prevent loud or explosive noises; and no person having the management and control of any such automobile or vehicle, or operating the engine thereof, shall cause, permit, suffer or allow the exhaust from such engine to discharge into the open air, or otherwise than into a muffler or other device which would prevent loud or explosive noises.

No person having the management and control of any such automobile or vehicle, or operating the engine thereof, shall use a horn or other device for signalling except in a reasonable manner as a danger warning, nor shall any such person produce or cause, suffer or allow to be produced by means of such horn or other signalling device, a sound which shall be unnecessarily loud or harsh or which shall continue for an unnecessary and unreasonable period of time.

(Adopted December 17, 1919; and amended July 25, 1921.)

* Sec. 102-c of N. Y. C. Criminal Courts Act, added by Ch. 278, L. 1943 and amended by Ch. 197, L. 1947, empowers magistrates to try and punish violators of this section "as for an offense, punishment for which shall be by a fine of not to exceed twenty-five dollars or by imprisonment for not to exceed ten days, or both."

§230. Manufacture and sale of shaving or lather brushes containing hair or bristles, and brushes, cloth or other articles containing horse hair, goat hair, cow hair or sheep wool.

1. No person shall bring into or manufacture in the City of New York, or offer for sale, sell, deliver or give away in said city any shaving or lather brush containing hair or bristles, or any other brush containing horse hair, goat hair, cow hair or sheep wool, unless the said bristles if to be used in shaving or lather brushes, and hair or wool has been sterilized, in accordance with the regulations of the Board of Health, and the brush is permanently and legibly marked or branded with the name and address of the manufacturer. Provided, that where the manufacturer or importer of brushes registered with the Department of Health his trade-mark or other distinctive identification mark in accordance with the regulations of the Board of Health, then in lieu of the requirement of the name and address of the manufacturer, such trade-mark or other distinctive identification mark may be permanently and legibly marked or branded upon any such brush. When because of the small size or the material used in the construction of the brush, it is impracticable to mark or brand the aforesaid required information on the brush, the information shall then be legibly and conspicuously printed on the immediate container of the brush.

2. No person shall bring into the City of New York or offer for sale, sell, deliver or give away horse hair, goat hair, cow hair or sheep wool, or any hair or brushes to be used for the manufacture of shaving or lather brushes, unless the package, bundle or other container bear a label or tag, securely attached thereto legibly and conspicuously stating whether the hair, bristles or wool contained therein has or has not been sterilized in accordance with the regulations of the Board of Health in the following manner:

(a) If sterilized—the words “The (hair, bristles or wool) contained herein has been sterilized pursuant to the regulations of the Board of Health of The City of New York.”

(b) If not sterilized—the words “The (hair, bristles or wool) contained herein must be sterilized before using.”

3. No person shall use in the manufacture of cloth or other article any horse hair, goat hair, cow hair or sheep wool, unless the same has been sterilized in accordance with the regulations of the Board of Health.

4. No person shall bring into or manufacture in the City of New York, or have, keep, offer for sale, sell, deliver or give away in said city any shaving or lather brush in which hair or bristles are used in whole or in part unless such shaving or lather brush is manufactured in a plant under permit from the United States Public Health Service.

(Section 230 amended by resolution filed with City Clerk August 13, 1943 and published in The City Record August 14, 1943; effective November 1, 1943.)

REGULATIONS

§230: Regulations governing the sterilization of shaving or lather brushes containing hair or bristles, and of horse hair, goat hair, cow hair or sheep wool, and the registration of trademarks for brushes. *(Repealed and reenacted by resolution filed with City Clerk August 13, 1943 and published in The City Record August 14, 1943; effective November 1, 1943.)*

Regulation 1. Sterilization of hair and bristles for shaving and lather brushes. Shaving or lather brushes made from hair or bristles shall be made only from hair or bristles known to be free from anthrax spores, and to insure that such hair and bristles are free from anthrax spores the manufacturer shall cause the following measures of effective sterilization to be taken on all hair and bristles used by him in the manufacture of shaving or lather brushes:

(a) Sterilization of hair or bristles used in the manufacture of shaving brushes shall be accomplished by exposure to steam under pressure at a minimum temperature of 118 degrees C. for 70 minutes or at a minimum temperature of 120 degrees C. for 60 minutes. Steam temperatures shall be measured at the lowest point in the autoclave near the exhaust line by both an indicating thermometer and a recording thermometer of design and accuracy approved by the United States Public Health Service. The temperature shown by the recording thermometer shall be checked by the autoclave operator against the temperature shown by the indicating thermometer, and the reading of the indicating thermometer shall be entered permanently on the recording thermometer chart for each sterilization. The recording thermometer shall be kept adjusted so as at no time to read higher than the indicating thermometer.

(b) Hair or bristles during the process of sterilization in the autoclave shall be tied in unwrapped bundles whose maximum diameter shall not exceed 2½ inches, or shall be placed untied in the autoclave in a manner approved by the United States Public Health Service. Bundles of hair or bristles shall be placed in racks in the autoclave in single layers, and successive layers shall not be in contact.

(c) In lieu of the procedure given in paragraph (a) the following sterilization method may be used for badger hair:

The hair shall be sterilized by boiling in water at a temperature of 100 degrees C. for 3 hours. The hair shall be placed loose in racks for boiling or in loosely tied bundles not exceeding 2½ inches in maximum diameter. An indicating thermometer shall be available for observing temperature of the water during the sterilization. At the beginning of boiling and at hourly intervals thereafter the temperature of the water shall be taken and time and temperature noted in a record book for each sterilization.

(d) Sterilized hair and bristles shall be stored apart from unsterilized hair and bristles in clean containers and the lot of hair or bristles from each sterilization shall be labeled with the date, method of sterilization used, and the name and location of the establishment in which sterilized. Permanent records of this information, the recording thermometer charts for each steam sterilization, and the time-temperature record for each boiling sterilization shall be kept.

(e) Mixing machines, equipment and fixtures used for handling or processing sterilized hair or bristles shall not be used for handling or processing hair or bristles which have not been sterilized.

(f) All shaving or lather brushes shall be marked permanently with the name of the manufacturer or with an identifying mark registered with the United States Public Health Service and the Department of Health.

Regulation 2. Sterilizing of hair and wool in general. Except as to hair used for shaving or lather brushes, all horse hair, goat hair, cow hair or sheep wool shall be sterilized by one of the methods mentioned in subdivisions (a), (b) and (c) and in accordance with the other procedures herein:

(a) Such hair or wool shall be either loosened by removing the binding cords or loosely tied in unwrapped bundles and the bundles placed loosely in an autoclave. Sterilization of hair or wool shall be accomplished by exposure to steam under pressure at a minimum temperature of 118 degrees C. for 70 minutes or at a minimum temperature of 120 degrees C. for 60 minutes. Steam temperatures shall be measured at the lowest point in the autoclave near the exhaust line by an indicating thermometer. The readings of the indicating thermometer shall be entered for each sterilization in a record book.

(b) Such hair or wool shall be sterilized by boiling in water at a temperature of 100 degrees C. for three hours. The hair or wool shall be either loosened by removing the binding cords or loosely tied in unwrapped bundles and kept covered with boiling water continuously. An indicating thermometer shall be available for observing the temperature of the water during sterilization. At the beginning of boiling and at hourly intervals thereafter, the temperature of the water shall be taken and the times and temperatures noted in a record book for each sterilization.

(c) Such hair shall be sterilized by soaking same for a period of at least twenty-four (24) hours in a warm soap solution, then thoroughly scrubbing and washing same until all dirt and foreign particles are removed, and then the hair shall be soaked for a period of twelve (12) hours by completely immersing the same in a solution of one part of peroxide of not less than 4 per cent strength and 2½ parts of warm water, with a small amount of ammonia added.

(d) Sterilized hair and wool shall be stored apart from unsterilized hair and wool in clean containers and the lot of hair or wool from each sterilization shall be labeled with the date, method of sterilization used, and the name and location of the establishment in which sterilized.

(e) Mixing machines, equipment and fixtures used for handling or processing sterilized hair or wool shall not be used for handling or processing hair or bristles which have not been sterilized.

(f) All brushes shall be marked permanently with the name of the manufacturer or with an identifying mark registered with the Department of Health.

Regulation 3. Registration of trade-mark or other distinctive identification mark; importer defined. Application for registration of a trade-mark or other distinctive identification mark to be placed on brushes, pursuant to the provision of Section 230 of the Sanitary Code, shall be made upon the forms of the Department of Health and submitted to the Sanitary Bureau of said Department for approval. When such registration is approved, the manufacturer or importer of brushes registering same shall be responsible for each and every brush found in the City of New York that bears such trade-mark or other distinctive identification mark, in the same manner as if the brush or brushes bore the name and address of said manufacturer or importer. An importer, as used in Section 230 of the Sanitary Code, and in this regulation,

shall mean and include a person who imports into this country brushes in whole-sale quantity directly from a manufacturer of brushes of a foreign country.

§230a. **Bacterial rat poisoning, sale, manufacture and use of, prohibited.** (*Repealed December 1, 1931.*)

ARTICLE 13

OFFENSIVE MATERIALS

- Section 231. Offensive water or other liquid or substance; not permitted on premises or grounds.
232. Offensive matter or substances; accumulations thereof not to be disturbed in certain periods of year; permit required.
233. Stinking, noxious liquids; not to fall into or upon any public place.
234. Blood, butcher's offal or garbage, dead animals, and putrid or stinking animal or vegetable matter; disposal restricted.
235. Contents of vaults, privies, cisterns, cesspools, and sinks; creation of nuisances prohibited.
236. Disinfection and removal of contents of privies, septic tanks, cesspools, and all other noxious substances.
237. Vaults, sinks, privies, and cesspools; use thereof limited.
242. Accumulations of manure, offal, garbage, and other offensive and nauseous substances; retention and disposal regulated.
243. Removal of dead or diseased animals and filthy, offensive, and noxious substances regulated.
244. Vehicles and auxiliaries to be kept in a sanitary condition; use of same regulated.
245. Ships, boats, and other vessels; not allowed at dock or pier unless permitted.
246. The use of docks, piers, and bulkheads regulated.
247. Refuse from oyster-houses, oyster-saloons, and other premises; method of disposal of refuse regulated; nuisances prohibited.
248. Ashes, garbage, and liquid substances; separate receptacles to be provided; duties of owners, lessees, and agents; removal.
249. Receptacles for ashes, garbage, and liquid substances not to be interfered with or contents disturbed.
250. Ashes, garbage, and rubbish; method of removal regulated.
251. Vacant lots; accumulation of water thereon prohibited; fence to be provided, if sunken; throwing and depositing offensive material into such lots prohibited.
252. Filling in land; offensive and unwholesome materials not to be used; the use of street sweepings for filling-in purposes forbidden.
253. Lime, ashes, coal, dry sand, hair, feathers, and like substances, and other materials not to be sieved, agitated or exposed.

§231. **Offensive water or other liquid or substance; not permitted on premises or grounds.**

No person or corporation shall permit or have any offensive water or other liquid or substance on his, her, or its, premises or grounds to the prejudice of life or health, whether for use in any trade or otherwise. (S. C., §88.)

§232. **Offensive matter or substances; accumulations thereof not to be disturbed in certain periods of year; permit required.**

No ground or material filled with or containing offensive matter or substance, or that will emit or allow to arise through or from the same any offensive smell or deleterious exhalation, shall (adjacent to or within the built-up portion of The City of New York) be opened or turned up, nor, shall the surface thereof be removed, between the first day of May and the first day of October of any year, without a permit therefor issued by the Board of Health or otherwise than in accordance with the terms of said permit and with the regulations of said board. (S. C., §99.)

REGULATIONS GOVERNING THE DISTURBING OF ACCUMULATIONS OF OFFENSIVE MATTER IN CERTAIN PERIODS OF THE YEAR

(*Adopted March 30, 1915, effective April 1, 1915, readopted March 30, 1937.*)

Regulation 1. Prevention of dust and offensive odors. While ground containing offensive matter or substance is being opened, no dust or offensive

odors shall be allowed to escape to the detriment or annoyance of any person or persons not being therein or thereupon engaged.

Regulation 2. Sprinkling ordered. When deemed necessary, the Department of Health may require the ground while being opened to be sprinkled with water to prevent the rising of dust therefrom, and may require the use of an adequate disinfecting solution to prevent the escape therefrom of offensive odors, and to prevent the breeding of flies.

Regulation 3. Removal of material. All offensive material uncovered in opening such ground shall be immediately removed in proper tight covered vehicles or containers so as not to cause a nuisance.

Regulation 4. Fence to be provided. If, in opening such ground, the excavated portion extend to the building line and be dangerous to pedestrians, said excavated portion shall be properly protected by a suitable fence.

Regulation 5. Accumulations of water prevented. In the opening of such ground and in the excavation, if such excavation remain in the opening of the ground, no accumulation of water shall be allowed to collect.

§233. Stinking, noxious liquids; not to fall into or upon any public place.

No swill, brine, urine of animals, or other offensive animal matter, or any stinking or noxious liquid, or other filthy matter of any kind, shall by any person be allowed to run or fall into or upon any street or public place, or be taken or put therein. (S. C., §102.)

§234. Blood, butcher's offal or garbage, dead animals, and putrid or stinking animal or vegetable matter; disposal restricted.

No blood, butcher's offal or garbage, or any dead animal, or any putrid or stinking animal or vegetable matter, shall be thrown by any person or allowed to go into any street, place, sewer, or receiving basin, any river or standing or running water or excavation, or any ground or premises in the built-up portions of the city. (S. C., §103.)

§235. Contents of vaults, privies, cisterns, cesspools, and sinks; creation of nuisances prohibited.

No person shall deposit, or allow to run or go into or remain in any street or other public place in The City of New York, or deposit, or allow to run or go (except through the proper underground sewers) into any river or other body of water within the territorial limits of the said city, the contents (or any part thereof) of any vault, privy, cistern, cesspool, or sink; nor shall any owner, tenant, or occupant, of any building to which any vault, sink, privy, or cesspool shall pertain or be attached, permit the contents, or any part thereof, to flow therefrom or to rise within 2 feet of any part of the top thereof, or said contents to become offensive; nor shall any vault, privy, cistern, cesspool, or sink be filled or covered with dirt until it shall have been emptied of its filthy contents. (S. C., §104.)

§236. Disinfection and removal of contents of privies, septic tanks, cesspools, and all other noxious substances.

All putrid or offensive matter, all night soil, the contents of all privies, septic tanks and cesspools, and all noxious substances, shall, before their removal or exposure, be properly disinfected and rendered inoffensive as far as possible by the owner, lessee, or occupant of the premises where the same may be, or by the person or contractor who removes or is about to remove the same; and no part of the contents of any privy, septic tank or cesspool shall be removed except by a person operating a vehicle under permit from the Commissioner of Sanitation for the removal, transportation and conveyance of such contents. All equipment used in the removal of any of the substances herein mentioned shall be kept in an inoffensive and sanitary condition, and free from nuisance. (*Section 236 amended by resolution filed with City Clerk December 14, 1939 and published in The City Record December 15, 1939.*)

§236: Regulations. (*Repealed by resolution filed with City Clerk December 14, 1939 and published in The City Record December 15, 1939.*)

§237. Vaults, sinks, privies, and cesspools; use thereof limited.

No person shall throw or deposit into any vault, sink, privy, or cesspool, any offal, ashes, meat, fish, garbage, or other substance except that of which any such place is the appropriate receptacle. (S. C., §105.)

§238. Transportation of garbage on boats and scows to Barren Island regulated. (*Repealed by resolution filed with City Clerk December 14, 1939 and published in The City Record December 15, 1939.*)

- §239. **Transportation of offal and butcher's refuse regulated.** (*Repealed by resolution filed with City Clerk November 17, 1939 and published in The City Record November 20, 1939.*)
- §239: **Regulations.** (*Repealed by resolution filed with City Clerk November 17, 1939 and published in The City Record November 20, 1939.*)
by resolution filed with City Clerk, November 17, 1939 and published in The City
- §240. **Transportation of manure, swill, ashes, garbage and offal regulated.** (*Repealed Record November 20, 1939.*)
- §240: **Regulations.** (*Repealed by resolution filed with City Clerk November 17, 1939 and published in The City Record November 20, 1939.*)
- §241. **Collection and transportation of bones, refuse, and offensive materials regulated.** (*Repealed by resolution filed with City Clerk November 17, 1939 and published in The City Record November 20, 1939.*)
- §241: **Regulations.** (*Repealed by resolution filed with City Clerk November 17, 1939 and published in The City Record November 20, 1939.*)

§242. **Accumulations of manure, offal, garbage, and other offensive and nauseous substances; retention and disposal regulated.**

No pile, deposit, or accumulation of manure, offal, dirt, or garbage, or any offensive or nauseous substance, shall be made within the built-up portions of The City of New York, or on or upon the piers, docks, or bulkheads adjacent thereto, or on or upon any vessel, boat, or scow, lying at such pier, wharf, or bulkhead; nor shall such pile, deposit, or accumulation be made anywhere in said city within 300 feet of any church or place of worship, or inhabited dwelling, without a permit therefor issued by the Board of Health or otherwise than in accordance with the terms of said permit and with the regulations of said board; and no person shall contribute to the making of any such pile, deposit or accumulation without such a permit or otherwise than in accordance with the terms of such permit and the regulations of said Board; nor shall any car loaded with or having in or on it any such substance or substances be allowed to remain or stand on any railroad track, street, or highway, within 300 feet of any inhabited dwelling, or elsewhere in said city, nor shall any vessel, boat, scow, or float, loaded with any such substance or substances be allowed to remain at any pier, dock, or bulkhead in said city, without a permit therefor issued by the Board of Health or otherwise than in accordance with the terms of said permit and with the regulations of said board; and no manure, garbage, or other material that is liable to emit an offensive exhalation shall, in or adjacent to the built-up portions of The City of New York, be turned or stirred, except in its removal, in such a way as to increase such exhalations by reason thereof; nor shall any straw, hay, or other substance, which has been used as bedding for animals, be placed or dried upon any street or sidewalk, or roof of any building; nor shall any such straw, hay, or other substance, or the contents of any mattress or bed, be deposited or burnt without a permit therefor issued by the Board of Health or otherwise than in accordance with the terms of said permit and with the regulations of said board. (S. C., §111.)

**REGULATIONS GOVERNING RETENTION AND DISPOSAL OF
MANURE, OFFAL, GARBAGE AND OTHER OFFENSIVE
OR NAUSEOUS SUBSTANCES**

Regulation 1. Floor. The floor space upon which manure, offal, garbage or other offensive or nauseous substance are stored shall be of cement, watertight, and graded to properly trapped sewer or cesspool connected drains.

Regulation 2. Fly and mosquito breeding. All accumulations of manure, offal, garbage or other offensive or nauseous substance shall be so treated as to prevent the breeding of flies or mosquitoes therein or thereon.

Regulation 3. Liquids not to enter street. No manure, offal, garbage or other offensive or nauseous substance, or liquid matter therefrom shall be allowed to enter, fall into or upon the street, or fall upon or flow over the sidewalk from such accumulations.

Regulation 4. Odors not to escape therefrom. All manure, offal, garbage and other offensive or nauseous substance shall be treated and cared for so as to prevent the escape of offensive odors therefrom to the detriment or annoyance of any person or persons not engaged in the handling, care, treatment, accumulation or storing thereof.

B. REGULATIONS FOR CARS OR VESSELS, STANDING OR DOCKING, FOR THE LOADING OR UNLOADING OF OFFENSIVE MATERIALS

Regulation 1. Time allowed in loading or passing. No vehicle used for the transportation of manure, offal, garbage, and other offensive and nauseous substances shall be allowed to occupy an unreasonable length of time in loading or unloading or in passing through any inhabited place or grounds.

Regulation 2. Construction of cars or vessels. The scows, vessels or railroad cars used for the transportation of manure, offal, garbage or offensive or nauseous substances shall be strong and tight, and the materials shall be so loaded and unloaded that no part thereof shall fall, leak or spill therefrom.

Regulation 3. Construction of docks. The dock, pier, or bulkhead from which manure, offal, garbage and other offensive or nauseous substances is loaded or unloaded upon or from scows or vessels shall be provided with suitable dumping boards and curtains, so that no such substances shall fall into the waters.

Regulation 4. Cleanliness of premises. The dock platform and ground surface of and around all such docks or places used for the loading or unloading of manure, offal, garbage and other offensive or nauseous substance shall be kept clean and free at all times from any accumulation of such offensive material thereon.

§243. Removal of dead or diseased animals and filthy, offensive, and noxious substances regulated.

It shall be the duty of every person (his agents and employees) who has contracted or undertaken to remove any diseased or dead animal, offal, rubbish, garbage, dirt, street-sweepings, night soil, or other filthy, offensive, or noxious substance, or is engaged in any such removal, or in loading or unloading any such substance, to do the same with dispatch, and, in every particular, in as cleanly and in as offensive a manner, and with as little danger and prejudice to life and health, as possible, and no matter or material shall lie piled up, or partially raked together, in any street or place, before the removal thereof, more than a reasonable time, or for more than 4 hours, under any circumstances, in the day time. (S. C., §114.)

§244. Vehicles and auxiliaries to be kept in a sanitary condition; use of same regulated.

No vehicle or auxiliary used for carrying, transporting or containing any refuse, or nauseous or offensive substance, or dead animal or the contents of any privy, or vault, or cesspool shall without necessity therefor, be allowed to stand or remain in front of or near any premises; nor shall the loading or unloading of any such vehicle or auxiliary or the transporting thereof through any street, place, or premises consume an unreasonable period of time. Such vehicles, and all auxiliaries used in connection therewith shall be kept in a sanitary condition, and, when not in use, shall be stored and kept so that no nuisance shall be created. Such vehicles and all auxiliaries when in use shall be properly covered, and shall not be uncovered more than is necessary when being loaded or unloaded. (*Section 244 amended by resolution filed with City Clerk December 19, 1944 and published in The City Record December 22, 1944; effective immediately.*)

§245. Ships, boats, and other vessels; not allowed at dock or pier unless permitted.

No ship, boat, or other vessel shall be taken or allowed by any person to come into, or lay at or within, any dock, pier, bulkhead, or slip, for the purpose of the shipment or removal of any offal, garbage, rubbish, blood, or offensive animal or vegetable matter, dirt, or dead animals, or for the use of any contractor for the removal of any of the foregoing substances, without a permit therefor issued by the Board of Health or otherwise than in accordance with the terms of said permit and with the regulations of said board. (S. C., §115.)

REGULATIONS

(*Adopted March 30, 1915, effective April 1, 1915; readopted March 30, 1937.*)

Regulation 1. Construction of container. Every ship, boat, or vessel and the implements and containers used thereon shall be so constructed as not to permit of the escape of offensive liquids or material therefrom.

Regulation 2. Treatment of contents. The contents of every ship, boat, or vessel shall be so treated and cared for as to prevent the access of flies.

Regulation 3. Prevention of odors. No offensive odors shall be allowed to escape from any ship, boat, or vessel or the implements or containers

used thereon to the detriment or annoyance of any person or persons not being thereon or thereupon engaged.

Regulation 4. Dropping of contents on dock or into water prohibited. Adequate means shall be provided to prevent the dropping of offensive materials or the liquid therefrom upon the dock or into the water of the harbor during the unloading of wagons or loading of vessels.

§246. The use of docks, piers, and bulkheads regulated.

No person shall obstruct, delay, or interfere with the proper and ready use, for the purposes for which they may be and should be set apart and devoted, of any dock, pier, or bulkhead by any contractor or person engaged in removing any offal, garbage, rubbish, dirt, dead animal, night soil, or other like substances, or with the proper performance of such contracts. (S. C., §113.)

§247. Refuse from oyster-houses, oyster-saloons, and other premises; method of disposal of refuse regulated; nuisances prohibited.

Every proprietor, lessee, tenant, and occupant of any oyster-house, oyster-saloon, or other premises where any oysters, clams, lobsters, or shell or other fish are consumed, used, or sold, or where any of the refuse matter, offal, or shells thereof accumulate shall daily cause all such shells, offal, and refuse matter to be removed therefrom to some proper place, and shall keep such house, saloon, or premises at all times free from any offensive smells or accumulations. (S. C., §112.)

§248. Ashes, garbage, and liquid substances; separate receptacles to be provided; duties of owners, lessees, and agents; removal.*

1. It shall be the duty of every owner, tenant, lessee, occupant, or person in charge of any and every building to provide and cause to be kept and provided, within and for the exclusive use of such building, or part thereof separate receptacles, made of metal, for holding, respectively, without leakage, all ashes, garbage, refuse and liquid waste substances, that may accumulate, during sixty consecutive hours, in or through the use of such building, or part thereof.

2. Every owner, tenant, lessee, occupant, or person in charge of any such building shall cause to be separated and put into their respective receptacles all such materials and substances; but no such receptacle shall be filled to a greater height than a line within such receptacle four inches from the top thereof, nor shall any such receptacle, when so filled, contain more than two cubic feet of material, nor weigh more than one hundred pounds; and every such receptacle shall be kept, at all times, in a condition satisfactory to the Department of Sanitation and the Department of Health.

3. Such receptacles shall be kept within the building, or in the rear premises therewith connected, until the time for the removal of such substances, when such receptacles shall be placed in the area, or within the fence or other enclosure, in front of such building, or, such receptacles may be placed on the sidewalk close to such building; all receptacles shall remain so placed until the contents thereof shall have been removed by the Department of Sanitation, immediately after which, such receptacles shall be returned to such building, or to the rear premises therewith connected; and every garbage, refuse, or liquid waste receptacle shall be kept, at all times, covered with a tight fitting cover.

4. Newspapers, wrapping-paper, or other light refuse and rubbish likely to be blown or scattered about the streets, shall be securely bundled, tied, or packed, before being placed for removal, and such newspapers, wrapping-paper, and other light refuse and rubbish, as well as all other refuse and rubbish, shall be kept within the building, or in the rear premises therewith connected, until the time for the removal thereof, when they shall be placed as the receptacles hereinbefore mentioned are required, by the provisions of this section, to be placed.

5. No such receptacle or refuse or rubbish shall, however, be so placed as to constitute or contribute to the creation of a nuisance; and no yard sweepings, hedge cuttings, grass, leaves, earth, stone, bricks, or business waste shall be mixed with household waste.

6. Accumulations of household ashes, garbage, refuse or rubbish resulting from the failure to take advantage of the regular collection service shall be removed at the expense of the person or persons concerned.

(S. C., §108 amended May 10, 1927, September 8, 1942 and September 24, 1946.)

§249. Receptacles for ashes, garbage, and liquid substances not to be interfered with or contents disturbed.

* Sec. 102-c of N. Y. C. Criminal Courts Act, added by Ch. 278, L. 1943 and amended by Ch. 197, L. 1947, empowers magistrates to try and punish violators of this section "as for an offense, punishment for which shall be by a fine of not to exceed twenty-five dollars or by imprisonment for not to exceed ten days, or both."

No person, not for that purpose authorized, shall interfere with the receptacles for ashes, garbage, or liquid substances, as provided in accordance with Section 248 of the Sanitary Code, or with the contents thereof; nor shall any person in any way handle or disturb such contents. (S. C., §109.)

§250. Ashes, garbage, and rubbish; method of removal regulated.

All occupants so preferring may deliver their ashes, garbage, refuse, and rubbish directly to the proper carts, to be taken away at any hour of the day when said carts may be present, and said carts may take such articles and substances at any such hour; provided that such garbage, refuse, or rubbish be not highly filthy or offensive. In the latter case, the same shall not be so delivered or received during the period beginning at 7 o'clock a. m., of any day and ending at 10 o'clock of the evening of the same day. (S. C., §110.)

§251. Vacant lots; accumulation of water thereon prohibited; fence to be provided, if sunken; throwing and depositing offensive material into such lots prohibited.

It shall be the duty of every owner, lessee, contractor, or other person having the management or control of any lot or parcel of land in The City of New York, to keep and preserve the same, at all times, clean and inoffensive; and to prevent the gathering or collecting of water, or accumulation of rubbish or refuse thereon; and to provide and maintain around or in front of any lot which is sunken, excavated, or below the grade of the sidewalk adjacent thereto, a proper fence to protect persons from falling into such lot.

No person shall throw or deposit into or upon any lot any garbage, refuse, or other offensive material. (S. C., §116; *amended September 23, 1930.*)

§252. Filling in land; offensive and unwholesome materials not to be used; the use of street sweepings for filling-in purposes forbidden.

No person shall fill in any land under or above water within the limits of the City of New York, or any of the islands situated within such limits, with garbage, dead animals or any parts thereof, decaying matter, or any offensive and unwholesome material, or with dirt ashes, or other refuse, when mixed with such garbage, dead animals or parts thereof, decaying matter or offensive and unwholesome material. The prohibitions herein shall not apply to an official agency of The City of New York, when making landfills in accordance with the regulations of the Board of Health. (*Section 252 amended by resolution filed with City Clerk September 14, 1942 and published in The City Record September 16, 1942.*)

REGULATIONS

§252. Regulations governing land-fills conducted by an official agency of the City of New York. (*Amended by resolution filed with City Clerk October 15, 1942 and published in The City Record October 17, 1942.*)

Regulation 1. The disposal of wastes by the landfill method shall be planned as an engineering project. General supervision shall be provided by a sanitary engineer in the operation and maintenance of landfills.

Regulation 2. The face of the working fill shall be kept as narrow as is consistent with proper operation of trucks and equipment in order that the area of waste material exposed during the operating day be minimal.

Regulation 3. The exposed surface shall be covered with earth as promptly as is consistent with proper operation and at the close of each day's operation both the surface and the face of the fill shall be completely covered, the object being to make a closed cell of each day's deposit.

Regulation 4. Sufficient standby equipment shall be provided to prevent delay in covering, due to breakdowns or peak loads.

Regulation 5. Waste building material, concrete or other bulky waste material which may furnish rat harborage shall not be used for the final surface or side slopes, but shall be promptly incorporated within the fill.

Regulation 6. The final covering for surface and side slopes shall be maintained at a depth of approximately twenty-four inches.

Regulation 7. In case the finished fill has a boundary side slope, the toe of the slope shall terminate in a sand and gravel-filled ditch so as to prevent raveling of the toe with exposure of some of the waste material, the burrowing of rodents, and finally to obviate puddles by permitting seepage from the fill to be absorbed into the ground.

Regulation 8. Spraying of the exposed waste material and adjacent surfaces shall be used when necessary to allay dust.

Regulation 9. The layer of refuse shall not exceed an average depth of fifteen feet after initial compacting. Where deeper fills are necessary the filling shall be carried on in stages.

Regulation 10. Control over the blowing of papers shall be adequately maintained by the use of movable snow fencing.

Regulation 11. While the maintenance of proper earth covering as hereinbefore required will to a large extent prevent fires, water under pressure shall be available for fire fighting purposes. If scavengers are tolerated they shall be adequately supervised.

Regulation 12. All collections of surface water resulting from these landfill operations shall be drained, filled or treated with effective chemicals so as to prevent mosquito production or allay disagreeable odors.

Regulation 13. Where necessary, effective steps shall be taken to prevent floatage of waste material into open water.

Regulation 14. Inspection for and control of rodents shall be maintained until the fills are stabilized.

Regulation 15. After the active period of filling operation is completed a maintenance program shall be continued until the fill has become stabilized so as to insure prompt repair of cracks, depressions and erosion of the surface and side slopes.

§253. Lime, ashes, coal, dry sand, hair, feathers, and like substances, and other materials not to be sieved, agitated or exposed.

No lime, ashes, coal, dry sand, hair, feathers, or other substance that is in a similar manner liable to be blown by the wind, shall be sieved, agitated, or exposed, nor shall any mat, carpet, or cloth be shaken or beaten, nor shall any cloth, yarn, garment, material, or substance be scoured, cleaned, or hung, nor shall any rags, damaged merchandise, barrel, boxes, or broken bales of merchandise or goods, be placed, kept, or exposed in any place where they or particles therefrom will pass into any street or public place, or into any occupied premises; nor shall any usual or any reasonable precautions be omitted by any person to prevent fragments or other substances from falling, to the detriment or peril of life or health, or dust or light material flying into any street, place, or building, from any building or erection, while the same is being altered, repaired, or demolished, or otherwise. In demolishing any building or part thereof, the material to be removed shall be properly wet in order to lay dust incident to its removal. (*Section 253, as amended, filed with City Clerk September 15, 1938 and published in The City Record September 16, 1938.*)

ARTICLE 14

PLUMBING, DRAINAGE AND SEWERAGE

- Section 271. Drainage; duties of owners, lessees, tenants, and occupants of buildings and premises.
272. Drainage of marsh land.
273. Sewers; to be adequately flushed; duties of boards, departments, officers, and persons.
274. Sewage, drainage, factory refuse, and foul or offensive liquid or other material; disposal thereof regulated and restricted.
275. Changes in drainage, sewerage, and sewer connection affecting other premises regulated.
276. Drains, soil-pipes, passages, or connections between sewers and buildings; to be adequate.
277. Plumbing and gas piping to be kept in good order and repair.
278. Plumbing fixtures; to be separately trapped.
279. Drain, soil, and waste pipes; joints and connections.
280. Drain pipes from refrigerators; to discharge into open sink, exceptions; discharge from overflow pipe regulated.
281. Waste, soil, and vent pipes; to be constructed and located so as not to contribute to the creation of a nuisance.
282. Ventilation of sewers and plumbing.
283. Rain water leaders and gutters; use restricted; to be sound, tight, and adequate.
284. Privies and water-closets; maintenance.
285. Temporary privies; to be provided during construction work.
286. Privies to be screened to prevent access of flies.
287. Privy vaults and cesspools; construction.
288. Master plumbers; license and metal plates required; fees.

§271. Drainage; duties of owners, lessees, tenants, and occupants of buildings and premises.

No person being owner, lessee, tenant, or occupant of any building or premises, shall

allow any water or other liquid to run from or out of such building or premises upon or across any sidewalk or curbstone, and no such substance shall be allowed to pass into any street except by means of a passage constructed under or through, which passage must be kept at all times adequate and in repair; and no water or other liquid, or ice therefrom, shall be allowed to gather or remain on the upper surface of such curb, flag-stone, or passenger; nor shall any such person allow any accumulation of such water or liquid, or the ice therefrom, upon any street or place, but shall at all times cause the same to be removed or to pass along the gutter or some proper passage to one of the rivers or into a sewer. (S. C. §40.)

§272. Drainage of marsh land.

It shall be the duty of every owner, lessee, agent, contractor, or other person having the management or control of any salt marsh land, inland swamp, sunken lot, abandoned excavation, or any other place wherein or whereon either salt or fresh water becomes stagnant and in which said stagnant water mosquitoes are bred and developed, to fill in or drain the same, or employ such other methods as will prevent at all times the breeding of mosquitoes in or on such places.

§273. Sewers; to be adequately flushed; duties of boards, departments, officers, and persons.

It shall be the duty of all boards, departments, officers, and persons having power and authority so to do or require (and to the extent thereof) to cause sufficient water to be used, and other adequate means to be taken, so that whatever substances may enter any sewer shall pass speedily along and from the same and sufficiently far into some water or proper reservoir, in order that no accumulations shall take place therein, and no exhalations proceed therefrom, dangerous or prejudicial to life or health. (S. C., §28.)

§274. Sewage, drainage, factory refuse, and foul or offensive liquid or other material; disposal thereof regulated and restricted.

No person, persons, company, or corporation shall cause, permit, or allow any sewage, drainage, factory refuse, or any foul or offensive liquid or other material to flow, leak, escape, or be emptied or discharged, into the waters of any river, stream, canal, harbor, bay, or estuary, or into the sea, within the limits of The City of New York, excepting under low-water mark, and in such manner and under such conditions that no nuisance can or shall be caused thereby or as a result thereof. (S. C., §38.)

§275. Changes in drainage, sewerage, and sewer connection affecting other premises regulated.

No change shall be made in the drainage, sewerage, or the sewer connection of any house or premises, involving changes in the drainage, sewerage, or sewer connection of any other house or premises, unless at least 30 days' notice thereof in writing shall have been previously given to this department, and to the owner or occupant of the premises affected by such change. (S. C., §27.)

§276. Drains, soil-pipes, passages, or connections between sewers and buildings; to be adequate.

Every person using, making, or having any drain, soil-pipe, passage or connection between any sewer (or any river or other body of water) and any ground, building, erection, or place of business, every owner or tenant of any such ground, building, or erection or place of business, and every person, board, department, or officer occupying or interested in, any such ground, building, erection, or place of business, shall, to the extent of the right and authority of each, cause and require such drain, soil-pipe, passage, or connection to be at all times adequate for the purpose of conveying and allowing, freely and entirely, to pass whatever enters or should enter the same. (S. C., §27.)

§277. Plumbing and gas piping to be kept in good order and repair.

All house drains, house sewers, waste and soil pipes, traps and water and gas pipes, in any building or premises shall at all times be kept in good order and repair so that no gases or odors shall escape therefrom and so that the same shall not leak, and every owner, agent, lessee or other person having the management or control of any building wherein manufactured gas is used for lighting, cooking or heating purposes shall maintain in the said building a system of gas pipes of a size sufficient to furnish and supply an adequate volumetric flow of manufactured gas to all such lighting, cooking and heating fixtures or appliances used or intended to be used in the said building or premises; and all vent pipes shall be kept in good order and repair and free from obstructions. (S. C., §32; amended November 9, 1926.)

§278. Plumbing fixtures; to be separately trapped.

Every water-closet, urinal, sink, basin, wash-tray, and bath, and every tub or set of tubs and hydrant waste pipe, must be separately and effectively trapped, except where a sink and wash tubs immediately adjoin each other, in which case the waste pipe from the tubs may be connected with the inlet side of the sink trap. Traps must be placed as near the fixtures as practicable, and in no case shall a trap be more than 2 feet from the fixture. In no case shall the waste from a bath tub or other fixture be connected with a water-closet trap, nor shall any trap vent pipe be used as a waste or soil pipe. (S. C., §33.)

§279. Drain, soil, and waste pipes; joints and connections.

All joints in cast iron drain, soil, and waste pipes must be filled with oakum and lead and be hand caulked, so as to make them gas-tight. All connections of lead and iron pipes must be made with a brass sleeve or ferrule of the same size as the lead pipe, put into the hub of the branch of the iron pipe, and caulked with lead; and the lead pipe must be attached to the sleeve or ferrule by a wiped or overcast joint. All connections of lead waste and vent pipes shall be made by means of wiped joints, and all connections of galvanized wrought iron pipe shall be made with screw joints. (S. C., §31.)

§280. Drain pipes from refrigerators; to discharge into open sink, exceptions; discharge from overflow pipe regulated.

No drain pipe from a refrigerator shall be connected with the soil or waste pipe, but it shall discharge into a properly trapped, sewer-connected, open sink which shall be kept properly cleansed, except where another method of drainage has been approved by the Department of Health. Provided, however, that the drain pipe from an ice-box or other refrigerated container using ice, which has a food storage capacity not greater than five (5) cubic feet, may discharge into a pail or other water-tight receptacle.

No overflow pipe from a water-tank on the roof shall discharge into any soil or waste pipe, or water-closet trap, or into the drain or sewer, but it may discharge upon the roof or into a properly trapped, sewer-connected, open sink.

(S. C., §34; amended May 12, 1936, and June 9, 1936.)

§281. Waste, soil, and vent pipes; to be constructed and located so as not to contribute to the creation of a nuisance.

All waste, soil, and vent pipes in any building in The City of New York shall extend above the roof thereof to a height of at least 2 feet, and that portion of the pipe extending above the roof shall be of an increased diameter. All such pipes shall be so constructed and located that they shall not contribute to the creation of a nuisance. (S. C., §36.)

§282. Ventilation of sewers and plumbing.

No brick, sheet metal, or earthenware, material or chimney flue shall be used as a sewer ventilator, or to ventilate any trap, drain, soil, or waste pipe. (S. C., §29.)

§283. Rain water leaders and gutters; use restricted; to be sound, tight, and adequate.

Rain water leaders and gutters shall be sound, tight, and adequate for their purpose and such leaders shall not be used as soil, waste, or vent pipes, or be connected therewith; nor shall any soil, waste, or vent pipe be used as a leader. When within the house, the leader must be of cast iron, wrought iron, or steel, with leaded joints and properly connected with the house drain; when outside of the house and connected with the house drain, it must be trapped beneath the ground or just inside of the wall, the trap being arranged in either case so as to prevent freezing. In every case where a sewer or cesspool connected leader opens near a window or a light shaft, it must be properly trapped at its base. The joint between a cast iron leader and the roof must be made gas and water tight by means of a brass ferrule and a lead or copper pipe properly connected. (S. C., §35.)

§284. Privies and water-closets; maintenance.

Every owner, lessee, keeper, or manager of any boarding-house, lodging-house, dwelling-house, and any factory, workroom, store, office, or place of business, in which persons are employed, shall provide, or cause to be provided, for the use of the tenants, boarders, lodgers, dwellers or employees therein adequate privies or water-closets, and the same shall be properly lighted and ventilated, and shall at all times be kept in such cleanly and sanitary condition, as not to be offensive or dangerous or detrimental to life or health. And no offensive smell or gases, from any outlet or sewer, or from any such privy or water-closet, shall be allowed to pass into any other part of said house, building, or premises, or into any other house, building, or premises. (S. C., §20.)

§285. Temporary privies; to be provided during construction work.

Contractors or builders shall provide or cause to be provided temporary privies for

the use of the men employed during construction work, at some convenient place upon the premises, or which shall be readily accessible, and the same shall be properly screened to prevent the entrance of flies thereto. The contents of such privies shall be disinfected and removed, and shall not be allowed to accumulate thereat. Contractors, builders, or other persons having the management and control of construction work shall prevent the commission of any nuisance by workers, employees, or other persons connected therewith, in and about such work or premises, and require workers and employees to use the privies so provided. (S. C., §37a.)

§286. Privies to be screened to prevent access of flies.

It shall be the duty of each owner, lessee, or occupant of any premises on which a privy is located or used to cause the same to be properly screened so that flies shall not have access thereto or to the contents thereof. (S. C., §37a.)

§287. Privy vaults and cesspools; construction.

No privy vault or cesspool shall be allowed to remain on any premises, or built, in The City of New York unless when unavoidable. The sides and bottom of every privy vault, cesspool, or "school sink," in The City of New York, must be impermeable and secure against any saturation of the walls or the ground above the same, unless otherwise allowed by a permit in writing issued therefor by the Board of Health and must then be used in accordance with the terms of said permit and the regulations of said board. No water-closet or privy vault shall be constructed without adequate provision for the effectual and proper ventilation and cleansing thereof. (S. C., §37.)

**REGULATIONS GOVERNING THE CONSTRUCTION OF
LEACHING PRIVY VAULTS OR CESSPOOLS**

(*Adopted by the Board of Health March 30, 1915, effective April 1, 1915.
Readopted March 30, 1937.*)

Regulation 1. Statement in application. No permit for the construction of a leaching privy vault or cesspool shall be granted until the applicant therefor shall have submitted to the Department of Health a statement setting forth the dimensions of said privy vault or cesspool and the character of the soil in which the privy vault or cesspool is to be constructed.

Regulation 2. Location forbidden. No leaching privy or cesspool shall be permitted on any premises abutting upon a street in which there is a public sewer and water mains to which connection can be had.

Regulation 3. Contents not to contaminate wells. Such leaching privy vault or cesspool shall not be permitted where there are wells in the vicinity, the water from which is used for drinking or domestic purposes and which water is liable to become contaminated by seepage from such privy vault or cesspool.

Regulation 4. Construction. Every leaching privy or cesspool shall be adequate for its purpose and be constructed of brick or stone and cemented at least three feet down from the top, except in districts affected by tide water where such privy vault or cesspool may be constructed of wood at least one inch thick, properly and securely braced. Every such cesspool shall be covered with a tight-fitting cover to prevent the escape of offensive odors.

§288. Master plumbers; license and metal plates required; fees.

No person shall in this city engage in or by a sign or otherwise advertise or hold himself out as engaged in the trade, business or calling of a master plumber without a master plumber's license issued by the Commissioner of Health, and a "licensed plumber" metal plate issued by the Commissioner of Health for the premises where such trade, business or calling is carried on.

Persons applying for a master plumber's license shall pay to the Commissioner of Health a fee of five dollars (\$5.00) for such license in addition to the fees prescribed for "licensed plumber" metal plates issued pursuant to section 45b of the general city law.

A certificate of competency issued by the former examining board of plumbers, unless revoked by the Commissioner of Health, shall for all purposes herein constitute a master plumber's license.

(*Adopted October 13, 1936.*)

ARTICLE 15

RAILROAD CARS AND OTHER PUBLIC VEHICLES

Section 301. Public vehicles and other public places; to be cleaned daily.

302. Railroad cars and other public vehicles; carrying or conveying soiled or dirty clothing restricted.

- 303. Railroad cars and other public vehicles; to be adequately and sufficiently ventilated.
- 304. Heating.
- 305. Lighting.
- 306. Smoking on railroad cars, platforms, etc., prohibited.

§301. Public vehicles and other public places; to be cleaned daily.

Every railroad car, omnibus, and ferryboat, used in The City of New York for carrying passengers, and every railroad depot, railroad station, railroad platform, and ferryhouse, and every public room or space connected therewith, and every stairway and other means of entrance thereto or exit therefrom, shall, on each and every day on which it shall be used, be carefully and thoroughly cleaned so that all refuse, dirt, and filth are removed therefrom, in such manner as to avoid the raising of dust. Dry sweeping is prohibited. (S. C., §173; *amended May 31, 1916, June 28, 1916, December 16, 1916 and October 15, 1918.*)

§302. Railroad cars and other public vehicles; carrying or conveying soiled or dirty clothing restricted.

No person shall at any time carry or convey upon or in any passenger car or other public vehicle, nor shall any conductor or person in charge of such car or other public vehicle, permit or allow to be carried or conveyed upon or in such car or other public vehicle, except upon or on the front platform thereof, any soiled or dirty articles of clothing or bedding. (S. C., §174; *amended December 16, 1916.*)

§303. Railroad cars and other public vehicles; to be adequately and sufficiently ventilated.

Every railroad car and other public vehicle used in The City of New York for carrying of passengers shall be constructed so as to provide and secure, at all times, good, adequate and sufficient ventilation, and such good, adequate and sufficient ventilation shall be maintained at all times by natural or mechanical means. (S. C., §175; *amended December 16, 1916.*)

§304. Heating.

Every railroad car and other public vehicle, and every ferryboat, used in The City of New York for carrying passengers, and every depot, station, ferryhouse, and waiting room used in connection with such means of transit, shall, between the first day of October of each year and the first day of April of each following year, be properly heated and kept heated whenever the temperature upon the street shall fall below forty degrees Fahrenheit. (*Amended December 16, 1916.*)

§305 Lighting.

Every railroad car and other public vehicle, and every ferryboat used in The City of New York for carrying passengers, and every depot, station, ferryboat, waiting room and other public place or premises used in connection with such means of transit shall be at all times adequately lighted, by natural or artificial means. (*Adopted December 16, 1916.*)

§306. Smoking on railroad cars, plateforms, etc., prohibited.*

Smoking or carrying any lighted cigar, cigarette or pipe, within The City of New York, on any stairway, platform, station or car, of any subway, elevated, or surface railroad or on any omnibus of an established line, except the unenclosed upper deck of such an omnibus, is prohibited.

Former §216. (*Amended and renumbered §306 November 12, 1940, and amended February 11, 1947.*)

ARTICLE 16

STREET CONDITIONS

- Section 311. Method of cleaning streets regulated.
- 312. Street obstructions prohibited.
- 314. The use of horse watering troughs prohibited.
- 315. Throwing refuse into streets and vacant lots and interfering with sanitation employees prohibited.
- 316. Interference with refuse placed for collection prohibited.
- 317. Spilling or scattering of vehicle contents prohibited.
- 318. Handbills, cards and circulars.

*Section 102-c of N. Y. C. Criminal Courts Act, added by Ch. 278 L. 1943, empowers magistrates to try and punish violators of this section "as for an offense, punishment for which shall be by a fine of not to exceed twenty-five dollars or by imprisonment for not to exceed ten days or both."

§311. Method of cleaning streets regulated.

Every person, when cleaning any street, shall clean, and every contractor shall cause to be cleaned, the gutters and parts of the street along which the water will run, before using any water to wash the same; and no substance that could be before scraped away shall be washed or allowed to be carried or be put into the sewer, or into any receptacle therewith connected. (S. C., §39.)

§312. Street obstructions prohibited.

No person having the right and ability to prevent, shall take or drive, or allow to go or be taken, any horse or other animal, or any vehicle, upon any sidewalk or footpath in front of any building, to the peril of any person; nor shall any person block or obstruct, or contribute to the blocking or obstructing of, any street or other public place. (S. C., §78.)

§313. Dirt and other material not to obstruct street. *(Repealed by resolution filed with City Clerk April 14, 1939 and published in The City Record April 17, 1939.)***§314. The use of horse watering troughs prohibited.**

The watering of horses at a common watering trough in any public place or stable in The City of New York is hereby prohibited; nor shall any person water any horse or horses except by the use of an individual pail, bucket or other container furnished for each such horse.

Provided, however, that a watering trough, pail, bucket or other container may be used in common to water horses when each such trough, pail, bucket or other container is cleaned and sterilized immediately after such use thereof in a manner required by the Department of Health.

And provided, further, that this section shall not be deemed to apply to watering troughs maintained in a stable where same are for the exclusive use of the horses owned by the individual, corporation or copartnership conducting such stable. *(Adopted June 30, 1925.)*

§315. Throwing refuse into streets and vacant lots and interfering with sanitation employees prohibited.

(1) No person shall throw, cast or lay, or direct, suffer or permit any servant, agent, employee, or other person under his control, to throw, cast or lay any ashes, offal, garbage, cinders, shells, straws, shavings, paper, dirt, filth, broken glassware, crockery, bottles, or other rubbish of any kind whatsoever, or any fruit or vegetable or any part or portion thereof, in or upon any street or public place, vacant lot or plot, except where ashes or dirt may be used for filling such a lot or plot under a permit secured from the department or bureau having jurisdiction.

(2) No dust from sidewalks shall be swept into the gutters of streets having permanent pavement, except in the morning before 8 o'clock.

(3) No person shall prevent or interfere with any employees of the Department of Sanitation in the sweeping or cleaning of any street or in the removal of sweepings, ashes, garbage, rubbish, snow, ice, or other refuse material. *(Section 315, as added, filed with City Clerk February 9, 1938 and published in The City Record February 14, 1938.)*

§316. Interference with refuse placed for collection prohibited.

No person, other than an authorized employee or agent of the Department of Sanitation, shall disturb or remove any ashes, garbage or light refuse or rubbish placed by householders, or their tenants, or by occupants or their servants, within the stoop or area line, or in front of houses or lots, for removal, unless requested by residents of such houses. *(Section 316, as added, filed with City Clerk February 9, 1938 and published in The City Record February 14, 1938.)*

§317. Spilling or scattering of vehicle contents prohibited.

No one being the owner, or in charge or in control of any vehicle, or of any receptacle, shall scatter, drop or spill, or permit to be scattered, dropped or spilled therefrom any dirt, sand, gravel, caly, loam, stone, or building rubbish, hay, straw, oats, sawdust, shavings or other light materials of any sort, or manufacturing, trade or household waste, refuse, rubbish of any sort, or ashes, manure, garbage or other organic refuse or other offensive matter, or permit the same to be blown therefrom, in or upon any street or public place. *(Section 317, as added, filed with City Clerk February 9, 1938 and published in The City Record February 14, 1938.)*

§318. Handbills, cards and circulars.

No person shall throw, cast or distribute, or cause or permit to be thrown, cast or distributed, any handbill, circular, card, booklet, placard or other advertising matter whatso-

ever, in or upon any street or public place, or in a front yard or court yard, or on any stoop, or in the vestibule or any hall of any building, or in a letterbox therein; provided, that nothing herein contained shall be deemed to prohibit or otherwise regulate the delivery of any such matter by the United States postal service, or prohibit the distribution of sample copies of newspapers regularly sold by the copy or by annual subscription. This section is not intended to prevent the lawful distribution of anything other than commercial and business advertising matter. (*Section 318, as added, filed with City Clerk February 9, 1938 and published in The City Record February 14, 1938.*)

ARTICLE 17

TRADES, OCCUPATIONS AND BUSINESSES

- Section 321. Occupations and businesses, dangerous or detrimental to life or health, prohibited.
322. Offensive or noisome trades and businesses regulated.
323. Certain offensive or noisome trades, occupations, and businesses prohibited in the borough of Manhattan.
324. Certain offensive or noisome businesses in the boroughs of Brooklyn, The Bronx, Queens, and Richmond regulated.
325. The slaughter of cattle, sheep, goats, pigs, calves, and poultry regulated.
326. Business of slaughtering cattle, sheep, goats, pigs and calves restricted.
327. Slaughtering of horses and sale of horseflesh regulated.
328. Tanning, skinning, and scouring or dressing hides and leather regulated.
329. Business of rendering and melting fat regulated.
331. Business of collecting and breaking out eggs for inedible purposes regulated; permit required.
332. Boiling varnish or oil; distilling alcoholic spirits; making lampblack, turpentine, or tar; treating and refining ores, metals, or alloys of metals; regulated.
333. Gas manufacture regulated and restricted; plans of building and location to be approved.
335. Public barber shops, hair-dressing establishments, manicuring and beauty parlors regulated.
336. Public laundries regulated.
337. Duty of employers to provide means to prevent occupational diseases.
338. Manufacturing, sorting and handling cigars, cigarettes and tobacco regulated.
339. Removal of dust, gases, and other impurities from workrooms by suction devices.
340. Bathing establishments regulated.
- 340a. Location of beach bathing establishments restricted.
342. Horseshoeing establishments regulated.
343. Use of common cigar cutters prohibited.
344. Flexible gas tubing; term defined; registration required; sale and use regulated.

§321. Occupations and businesses, dangerous or detrimental to life or health, prohibited.

No occupation or business that is dangerous or detrimental to life or health shall be established or carried on in The City of New York. (S. C., §92.)

§322. Offensive or noisome trades and businesses regulated.

No establishment or place for carrying on any offensive or noisome trade or business shall be opened, started, established, or maintained in The City of New York, without a permit therefore issued by the Board of Health or otherwise than in accordance with the terms of said permit and with the regulations of said board. (S. C., §88.)

REGULATIONS GOVERNING THE CONDUCT OF OFFENSIVE OR NOISOME TRADES AND BUSINESSES.

Regulation 1. Maintenance. Every such establishment shall be kept clean and wholesome and be so conducted in every particular as not to be offensive or prejudicial to life or health.

Regulation 2. Scrap to be treated. All scrap or residuum after use in such trade or business shall be dried or otherwise treated so as to effectually and permanently deprive such material of offensive odors.

Regulation 3. Escape of odors, etc., forbidden. All dust, gases, fumes, vapors, or offensive odors must be cared for by destruction, condensation, or other effective means and not allowed to escape into the outside air.

Regulation 4. Floors. In every such establishment, the floors shall be smooth and watertight and must be kept clean and sanitary and in good repair. Where required, the floors shall be properly graded and drained into properly trapped sewer connected drains. (Where no sewer is available, a properly constructed, watertight cesspool, or a leaching cesspool under permit from the Department of Health must be provided.)

Regulation 5. Walls. The walls of every such establishment shall be of smooth hard material and shall be kept in good repair and painted when so ordered by the Department of Health.

Regulation 6. Containers. All containers for holding the material in use in the premises shall be of metal or metal lined, except where the material so handled precludes the use of metal in any form.

Regulation 7. Light. All rooms or places in which the business is conducted shall be properly and adequately lighted.

Regulation 8. Sinks. Suitable sinks with running water shall be provided in such establishments. In addition, running hot water and hose connections shall be provided therein whenever the Department of Health shall so order.

Regulation 9. Watercloset accommodations. In every such establishment suitable and sufficient waterclosets shall be provided for the use of the persons therein engaged, said waterclosets to be in compartments ventilated to the external air.

Regulation 10. Ventilation. All parts of such establishments shall be properly ventilated.

(Readopted March 30, 1937.)

§323. Certain offensive or noisome trades, occupations, and businesses prohibited in the borough of Manhattan.

It shall not be lawful for any person, persons, or corporation, to carry on, establish, prosecute, or continue, within the borough of Manhattan, the occupation, or trade, or business, of bone boiling, bone burning, bone grinding, horse skinning, cow skinning or skinning of dead animals, or the boiling of offal; and any such establishment existing within said borough shall be forthwith removed from said borough, and such occupation, trade, or business shall be forthwith abated and discontinued, provided that the provisions of this section shall not apply to the slaughtering or dressing of animals for sale in said borough. (S. C., §90.)

§324. Certain offensive or noisome businesses in the boroughs of Brooklyn, The Bronx, Queens, and Richmond regulated.*

The business of bone crushing, bone boiling, bone grinding, bone or shell burning, lime making, horse skinning, cow skinning, glue making from any part of dead animals, gut cleaning, hide curing, fat rendering, boiling of fish, swill, or offal, heating, drying, or storing of blood, scrap, fat, grease, or other offensive animal matter or of offensive vegetable matter, or manufacturing materials for manure or fertilizer, shall not be carried on in the boroughs of Brooklyn, The Bronx, Queens, or Richmond without a permit therefor issued by the Board of Health or otherwise than in accordance with the terms of said permit and with the regulations of said board. (S. C., §91.)

§325. The slaughter of cattle, sheep, goats, pigs, calves, and poultry regulated.

The slaughter of cattle, sheep, goats, pigs, calves, or poultry shall not be conducted in The City of New York, without a permit therefor issued by the Board of Health, or otherwise than in accordance with the terms of said permit and with the regulations of said board. (S. C., §83; *amended March 20, 1924.*)

REGULATIONS GOVERNING THE CONDUCT OF POULTRY SLAUGHTER HOUSES.

Regulation 1. Application for approval of site, of plans and specifications; issuance of permits. Application for the approval of site, plans and specifications and for permit shall be made by the owner of the site to the Department of Health, upon official blanks furnished for that purpose by the said Department. No permit to conduct a poultry slaughter house shall be issued by the Board of Health unless the site and the plans and specifications of the proposed poultry slaughter house shall have been approved by the said Board.

*See Regulations following Section 322.

Regulation 2. Approval of site.

- (a) The applicant must file with the said application: Affidavit of ownership of the site and deed of property, together with a survey showing the true and accurate dimensions of the said site;
- (b) Map or sketch, drawn on cloth, to a scale of fifty (50) feet to the inch, showing all premises within two hundred (200) feet of the boundary lines of the proposed site, the lot and street numbers and dimensions thereof, and the character of buildings, if any, thereon, and also the point of the compass;
- (c) Photographs, not less than five (5) inches by seven (7) inches in size of the proposed site and the premises within eighty (80) feet directly east, west, north and south of the proposed site, and similar photographs showing the premises, for a distance of one hundred (100) feet, across the street from and directly opposite the proposed site;
- (d) The said map or sketch submitted, as aforesaid, with the application shall bear no marks of identification of the owner or applicant. (*As amended by the Board of Health, September 24, 1929.*)

Regulation 3.

- (a) Location of site. The following conditions must be complied with before an application for approval of site will be considered; such site must be located in an unrestricted district as provided for on the Use District Map and in the Use District Designations and Map Designation Rules accompanying said maps, as adopted by the Board of Estimate and Apportionment of the City of New York;
- (b) Such site must be located at least five hundred (500) feet distant from any place or structure used as a Church, school, library, hospital, public park, public playground or other public institution;
- (c) Such site must be located at least one hundred (100) feet distant from any building in which food is manufactured;
- (d) Such site must be located at least one hundred (100) feet distant from every building wherein ten (10) or more persons are regularly employed in a use which is permitted in a business district, as established by the Zone Resolution of the Board of Estimate and Apportionment of the City of New York;
- (e) Such site must be located at least one hundred (100) feet distant from any building used for residence purposes;
- (f) Such site must be located so that fifty-one (51) per centum or more of the area of the property, exclusive of public streets or highways, within the two hundred (200) foot radius thereof shall not be used for residence purposes;
- (g) Such site must be located so that all of the property within the area of the two hundred (200) foot radius thereof shall be entirely in an unrestricted district, as established by the Use District Map and in the Use Designations and Map Designation Rules accompanying said maps, as adopted by the Board of Estimate and Apportionment of the City of New York;
- (h) Such site must cover a plot area of not less than two thousand (2,000) square feet and the floor space of the building used as a poultry slaughter house shall cover an area of at least sixteen hundred (1,600) square feet, in order to permit the receipt and delivery of poultry and poultry in crates and the storage of empty crates, entirely within the premises of the poultry slaughter house. (*Amended March 4, 1930.*)

Regulation 4. Discretion of the Board. No such site shall be approved, however, when in the sound discretion of the Board of Health the conduct or maintenance of a poultry slaughter house would be dangerous or detrimental to the health of those living or employed in the vicinity thereof, or which would or might tend to create a nuisance.

Regulation 5. Plans and specifications.

- (a) Upon the approval of a site by the Board of Health, application for the approval of the plans and specifications of the poultry slaughter house proposed to be erected shall be made upon official forms furnished by the Department of Health and duplicate copies of such plans and specifications shall be submitted with such application. Specifications shall be submitted with all plans explaining in detail the work to be done and the material to be used; that where the work to be done is shown on the plans and not mentioned in the specifications or where mentioned in the specifications and not shown in the plans, it shall be taken as mentioned in both;
- (b) Duplicate copies of such plans and specifications shall be submitted within

sixty (60) days after the site has been approved; if not submitted within the said period, the approval of site shall be rescinded; when plans and specifications are approved, construction work must be started within ninety (90) days thereafter, and the work shall be continuous until completed in a thorough, workmanlike manner;

- (c) Maps, plans and specifications submitted with the application shall bear no marks of identification of the owner or applicant.

Regulation 6. Construction and maintenance of poultry slaughter houses. No permit to conduct a poultry slaughter house will be issued by the Board of Health unless the following minimum requirements as to construction shall have been in each instance fully complied with in accordance with the approved plans and specifications:

- (a) Floors; construction. The floors shall be constructed of cement, concrete or other approved water-tight non-absorbent material so graded and drained as to discharge all liquid matter into properly trapped sewer or cesspool connected drains;
- (b) Ceilings. The ceilings shall be of a smooth, hard, impervious material free from crevices, cracks, ledges or projections. The walls shall be of enamel brick or enamel tile to the entire height of the ceiling. The junctions with the ceilings and floors shall be made with a sanitary cove base of glazed tile or brick;
- (c) Height of ceiling. All ceiling shall be at least twelve (12) feet in height measured from the surface of the floor to the said ceiling;
- (d) Ventilation. Adequate ventilation to the external air by natural means shall be provided for every room in which poultry is stored, killed, or which is used in connection with the poultry slaughter house. Each such room shall be provided with a window or skylight not less than fifteen (15) square feet in area;
- (e) Lights. Adequate, natural or artificial light approved by the Department of Health shall be provided in every room in which poultry is stored or killed;
- (f) Killing room. Where dry plucking is performed, a separate killing room and plucking room shall be provided at the premises, each of which shall have an area of at least one hundred (100) square feet. The width or length of these rooms shall not be less than six (6) feet. The walls of these rooms shall be of light colored glazed brick or tile, glass block, porcelain or enamel finished material or rust resistant non-corrosive metal. A killing trough shall be provided which shall have an adequate capacity with a minimum width of one foot and a minimum depth of one and one-half ($1\frac{1}{2}$) feet, or if constructed otherwise, must be approved by the Department of Health. The walls and face of the trough must be of light colored glazed brick or tile, glass block, porcelain or enamel finished material or rust resistant non-corrosive metal and shall discharge over properly trapped and sewer-connected drains. A proper metal receptacle of sanitary construction or other suitable device shall be provided to hold each bird after slaughter for proper bleeding. Said receptacles or devices shall be placed where the poultry may be bled in a sanitary manner. The provisions of this regulation as regards the killing and plucking rooms shall not apply to a poultry slaughter house in which a wholesale business is carried on exclusively, except that poultry shall be slaughtered in such places in receptacles or on devices approved by the Department of Health.
- (g) Wet plucking. Where wet plucking is performed only, the killing and plucking shall be performed in a room, the area of which shall be at least one hundred and fifty (150) square feet. The width or length of this room shall not be less than six (6) feet, and the walls shall be constructed of light colored glazed brick or tile, glass block, porcelain or enamel finished material, or rust resistant non-corrosive metal, and the floor and ceiling shall be constructed of non-absorbent water-proof material; the floor shall be properly graded and drained: Proper receptacles shall be provided for the holding, storing or keeping of all feathers. The provisions of this regulation shall not apply to a poultry slaughter house in which no plucking is done on the premises.
(Subdivisions (f) and (g) of Regulations 6 generally revised September 24, 1946.)
- (h) Storage; crates or cages. A separate room shall be provided for the storage of poultry in crates or cages. Cages or crates shall be elevated at least one (1) foot above the floor level and shall not be placed nearer than two (2) feet from the side walls of the building;

- (i) Water supply. Permanent fixtures shall be provided for the furnishing of an adequate supply of fresh water for flushing all parts of the premises;
- (j) Rat-proofing. The room or receptacle for the storage of food for the poultry shall be constructed rat-proof;
- (k) Toilet facilities. Adequate water-closet accommodations in the ratio of one for every ten (10) persons shall be provided, and sufficient fixtures with hot and cold running water for washing purposes shall be provided at all times; the toilet room or rooms shall not open directly into the killing or plucking room, and shall be ventilated to the outside air by direct or approved indirect method;
- (l) Elimination of flies. Openings into the outer air shall be effectively screened and doors shall be self-closing, unless other effective means are provided to eliminate flies or prevent their access. (*Amended February 11, 1941.*)
- (m) Hot water. Adequate facilities shall be provided to insure a sufficient supply of running hot water at all times.
- (n) Odors. Suitable and adequate means shall be provided for the disposal of offensive odors.
- (o) Empty crates.—A separate room shall be provided for the storage of empty crates. Said crates before storage shall be thoroughly disinfected and cleaned so that no odors or nuisance are created by the storage of said empty crates. Facilities shall be provided in the storage room for the disinfection and cleaning of said crates. (*Amended March 4, 1930.*)

Regulation 7. Permit. The application for the permit to conduct a poultry slaughter house shall be made upon official forms furnished by the Department of Health. No permit will be issued unless the site and plans and specifications of the proposed poultry slaughter house shall have first been approved by the said Board in accordance with the provisions of these Regulations.

Regulation 8. Maintenance. Every poultry slaughter house shall be conducted in strict compliance with the following Rules which shall govern the maintenance and operation thereof:

- (a) Cleanliness.—Every poultry slaughter house, the yard adjoining same and all air shafts, courts and open places connected therewith shall be at all times kept in a clean, sanitary condition, free from accumulation of refuse, garbage and offensive material, and nuisances of all kinds.
- (b) Feathers and refuse material.—All feathers and refuse material shall be disinfected and removed from the premises at least once in every twenty-four (24) hours in metal receptacles which shall be provided with tight-fitting covers, kept closed when not in use, and cleaned and disinfected daily.
- (c) Floors; washing.—All floors shall be kept and maintained in a clean, sanitary condition and in good repair and free from rubbish and offensive material. Such cleansing shall consist of the use of disinfectant, approved by the Department of Health, followed by a thorough flushing of the floors with fresh water supplied through a hose connected with water supply fixtures.
- (d) Walls, cleaning.—The side walls of all rooms used for the storage, killing, or sale of poultry shall be kept in a clean, sanitary condition and in good repair and shall be washed at the conclusion of each day's work with a disinfecting solution and thereafter flushed with clean water supplied by means of a hose attached to water supply fixtures. Ceilings shall be cleaned and painted whenever required by the Department of Health.
- (e) Ventilation.—All parts of every poultry slaughter house shall be properly ventilated and adequately lighted at all times.
- (f) Cages or crates, disinfection.—All cages or crates and parts thereof shall be kept in a sanitary condition and shall be thoroughly cleaned, disinfected and flushed with fresh water at the conclusion of each day's work.
 - (g) Plumbing.—All plumbing fixtures and toilet facilities shall be kept and maintained in a clean, sanitary condition and in good repair.
- (h) Poultry; condition.—All poultry shall be kept in good condition, healthy and clean. Diseased or sick poultry shall be immediately removed from cages or crates, killed and disinfected. Any poultry that has died otherwise than by slaughter shall be immediately removed from cages or crates; denatured and placed in metallic garbage receptacles and removed from the premises daily, and, in addition any poultry that has been slaughtered and which has deteriorated and become unfit for human consumption, or such as may have been returned by customers, shall not be kept on the premises unless such poultry is similarly denatured and disposed of in metal receptacles and removed from the premises daily. Failure to denature and render such poultry

- unfit for human food and the keeping of same on the premises shall create a presumption that such poultry is intended for sale as human food.
- (i) Overcrowding.—The quantity of poultry that may be kept and stored shall not exceed the approved capacity of the poultry slaughter house and such poultry shall not under any circumstances be kept in an overcrowded or unhealthy condition.
 - (j) Killing room.—Slaughtering shall not be done in any other place on the premises except in the killing room. Where the killing is permitted to be done other than in the killing room, no one but employees of the slaughter house shall be admitted.
 - (k) Receptacles.—Only such receptacles, appliances and equipment as are approved by the Department of Health shall be installed in the killing room for the purpose of receiving blood, preventing the spattering of blood upon the walls and accumulation of the same upon the floor. Such receptacles, appliances and equipment shall be maintained in a clean and sanitary condition and all accumulation of blood removed from same at the conclusion of each day's work. Immediately after slaughter all poultry shall be bled and the blood discharged into receptacles provided for such purpose.
 - (l) Plucking room.—All plucking of poultry shall be done exclusively in the plucking room.
 - (m) Feather receptacles.—Plucking of poultry shall be performed in such manner that all feathers shall be thrown or placed in the receptacles provided for such purpose.
 - (n) Disinfectant.—All refuse material including feathers shall be disinfected at regular intervals during each day. The disinfectant used for such purposes shall be approved by the Department of Health and an adequate supply thereof shall at all times be kept on the premises.
 - (o) Storage of empty crates.—All empty crates shall be kept and stored exclusively in the storage room. No empty crates shall be kept or permitted to remain outside of the poultry slaughter house. When fowl have been removed from wooden crates, all excrement shall be immediately removed from the floors and the crates cleaned and disinfected and no empty crates shall be permitted to be removed from the premises unless all excrement has been removed from the floors and the said crates thoroughly cleaned, disinfected and rendered inoffensive; nor shall any person receive or have in his possession, any empty crates from which fowl have been removed, unless said crates have been thoroughly cleaned as herein required.
 - (p) Poultry at large; prohibited.—No poultry shall be allowed or permitted at large upon the premises but shall be kept at all times in the cages or crates provided for such purpose.
 - (q) Screens.—The screens, windows, doors and other openings to the outer air shall be kept clean and in good condition and repair.
 - (r) Doors not to be left open.—All doors shall be self-closing and not permitted to remain open except for ingress or egress.
 - (s) Offensive odors.—Offensive odors shall not be permitted to escape into the outer air.

Regulation 9. Structural changes. No structural changes or alterations shall be made in any poultry slaughter house building unless the same shall have first been approved or ordered by the Board of Health.

Regulation 10. Poultry slaughter house not to be used for any other purpose. No building in which a poultry slaughter house is located shall be used for any other purpose except for the slaughter, storage and sale of poultry.

Regulation 11. Permits; fees, renewal annually. Permits to carry on or conduct a poultry slaughter house in the City of New York shall be granted by the Board of Health of the Department of Health of the City of New York, upon payment of an annual fee of Fifty Dollars (\$50) for each such poultry slaughter house conducted or maintained in the City of New York and each such permit shall expire on the last day of the year of issuance and shall be renewed annually upon the payment of a like fee of Fifty Dollars (\$50) in accordance with the provisions of Section 191 of the Sanitary Code.

Regulation 12. Revocation of permit or site. The Board of Health shall be empowered to revoke the permit for a poultry slaughter house for wilful or continuous violations of the provisions of the Sanitary Code or regulations of the Board of Health adopted thereunder, or to rescind the approval of site for a poultry slaughter house where the poultry slaughter house use has been discontinued and the premises instead are used for a purpose other than a poultry slaughter house. (*Amended January 10, 1933.*)

Regulation 13. Existing poultry slaughter houses. Every poultry slaughter house heretofore constructed and existing as such shall be made to conform with all the requirements of regulation six (6) above set forth, except subdivision (c) thereof within one (1) year from May 14, 1929, the date of the adoption of the rules and regulations of the Board of Health, governing poultry slaughter houses. (*Amended March 4, 1930.*)

(*Regulations amended and revised May 14, 1929.*)

§326. Business of Slaughtering Cattle, Sheep, Goats, Pigs and Calves restricted.

1. The business of slaughtering cattle, sheep, goats or calves shall not be conducted in the Borough of Manhattan except in that part of the said borough bounded by the west side of 11th Avenue, the middle line of the block between West 38th and West 39th Streets (west of 11th Avenue), the North River, and the south side of West 1st Street; and in that part of the said borough bounded by the east side of 1st Avenue, the middle line of the block between East 42d Street and East 43d Street (east of 1st Avenue), the East River and the south side of East 47th Street.

2. The business of slaughtering pigs shall not be conducted in the Borough of Manhattan except in that part of the said borough bounded by the west side of 11th Avenue, the middle line of the block between West 38th and West 39th Streets (west of 11th Avenue), the North River, and the south side of West 41st Street.

3. The business of slaughtering cattle, sheep, goats, pigs or calves shall not be conducted in the Boroughs of Brooklyn, The Bronx, Queens and Richmond, except in buildings located upon or abutting the waterfront, and so constructed to receive all stock delivered thereat from boats, cars or transports and to secure the proper care of all parts of the slaughtered animals, offal and wastes and the proper disposition or removal of offal and wastes under the provisions of the Sanitary Code and the regulations of the Board of Health. The restrictions as to location in this subdivision shall not apply to the slaughtering of cattle, sheep, pigs or calves at any place in the Borough of Brooklyn where such business had been established on or prior to January 3, 1898, and now carried on.

(*Section 326 amended by resolution filed with City Clerk September 1, 1943 and published in The City Record September 3, 1943.*)

REGULATIONS GOVERNING THE SLAUGHTERING OF CATTLE, SHEEP, GOATS, PIGS AND CALVES

Regulation 1. Room for use of inspectors to be provided. Office room, including light and heat, shall be provided by establishments, rent free, for the exclusive use of the inspector and other employees of the Department of Health assigned thereto. The room or rooms set apart for this purpose shall meet with the approval of the inspector in charge and shall be conveniently located, properly ventilated, and provided with lockers suitable for the protection and storage of Department of Health supplies and with facilities suitable for the dressing of inspectors and other employees of the Department of Health.

Regulation 2. Time of slaughtering. Each establishment shall inform the inspector in charge when work has been concluded for the day and of the day and hour when work will be resumed therein. Whenever any meat or product is to be overhauled, or otherwise handled, in the establishment during unusual hours, the establishment shall, a reasonable time in advance, notify the inspector in charge of the day and hour when such work will be commenced and such articles shall not be so handled except after such notice has been given. No department of an establishment shall be operated except under the supervision of a duly authorized officer or inspector of the Department of Health. All slaughtering of animals and preparation of meat and products shall be done within reasonable hours and with reasonable speed, the facilities of the establishment being considered. No delivering of any meat or product shall be made from an establishment until after due notice has been given to the inspector in charge or his assistant.

Regulation 3. Inspector to designate time of slaughtering. When one inspector is detailed to inspect the work at two or more establishments, where few animals are slaughtered or where but a small quantity of meat or product is prepared, the inspector in charge may designate the hours during which said establishment may be operated.

Regulation 4. Facilities to be provided inspector. When required by the Director of the Bureau, or inspector in charge, the following facilities and conditions, and such others as may be essential to efficient conduct of inspection, shall be provided by each establishment.

(a) Satisfactory pens, equipment, and assistance for conducting ante-mortem inspection and for separating, marking and holding apart from passed ani-

- imals those marked "D. H. Suspect" and those marked "D. H. Condemned."
- (b) Sufficient natural light, and abundant artificial light at times of the day when natural light may not be adequate, at places of inspection. Such places must be kept sufficiently free of steam and vapors for inspection to be properly made.
 - (c) Racks, receptacles, or other suitable devices, for retaining such parts as head, tongue, tail, thymus gland, and viscera, and all parts and blood to be used in the preparation of meat food products or medical products, until after the post-mortem examination is completed, in order that they may be identified in case of condemnation of the carcass; equipment, trucks and receptacles, for the handling of viscera of slaughtered animals so as to prevent contact with the floor; trucks, racks, marked receptacles, or other necessary equipment, for the separate and sanitary handling of carcasses or parts passed for sterilization.
 - (d) Tables, benches, and other equipment, on which inspection is performed, of such design, material, and construction, as to enable the inspectors of the Department of Health to conduct their inspection in a ready, efficient and cleanly manner.
 - (e) Sanitary water-tight metal trucks or receptacles for holding and handling diseased carcasses and parts; such trucks or receptacles to be marked in a conspicuous manner with the phrase "D. H. Condemned" in letters not less than two inches high, and when required by the inspector in charge, to be equipped with facilities for locking or sealing.
 - (f) Adequate arrangements, including disinfectants, for cleansing and disinfecting hands, for sterilizing all implements used in dressing diseased carcasses, and for disinfecting hides, floors, and such other articles and places as may be contaminated by diseased carcasses, or otherwise.
 - (g) In establishments in which slaughtering is done; rooms, compartments, or specially prepared open places, to be known as "final inspection places," at which the final inspection of retained carcasses shall be conducted. Final inspection places shall be sufficient in size and their rail arrangement, and other equipment, shall be adequate to prevent carcasses and parts passed for food or sterilizing from being contaminated by contact with condemned carcasses or parts. They shall be equipped with hot water, stationary washstands, and sanitary tables and other apparatus essential to a ready, efficient and sanitary conduct of the inspection. The floors shall be of sanitary construction and shall have proper sewer connections, and when the final inspection place is part of a larger floor it shall be separated by a curb and railing.
 - (h) In each establishment at which any condemned article is held until a day subsequent to its condemnation; a suitably located room or compartment in which the same shall be placed. This room or compartment shall be secure, rat proof, and susceptible of being kept clean, including a sanitary disposal of the floor liquids. It shall be equipped for secure locking, and shall be held under a lock furnished by the Department of Health, the key of which shall not leave the custody of inspector in charge. The door or doors of such room or compartment shall be conspicuously marked with the phrase "D. H. Condemned," in letters not less than 2 inches high.
 - (i) Rooms, compartments and receptacles in such number and in such locations as the needs of the inspection in the establishment may require in which carcasses and products may be held for further inspection. These shall be equipped for secure locking and shall be held under locks furnished by the department, the keys of which shall not leave the custody of bureau employees. Every such room, compartment, or receptacle shall be conspicuously marked with the phrase "D. H. Retained," in letters not less than 2 inches high.
 - (j) Adequate facilities, including denaturing materials, for the proper disposal of condemned articles in accordance with these regulations. Tanks which, under these regulations, must be sealed shall be properly equipped for sealing as may be specified by the Director of the Bureau of Food and Drugs.
 - (k) Docks and receiving rooms; to be designated by the establishment, with the approval of the inspector in charge, for the receipt and inspection of all meat and products under municipal control.
 - (l) Suitable lockers shall be provided, in which brands bearing the inspection legend shall be kept when not in use. All such lockers shall be equipped for locking with locks to be supplied by the Department of Health, the keys of which shall not leave the custody of the inspector.

Regulation 5. Inspectors to furnish implements for conducting inspection. Inspectors shall furnish their own implements, such as knives,

steels and triers, for conducting inspection, shall cleanse their hands and implements as prescribed by Regulation 21.

Regulation 6. Inspection to be made before permit is granted. Prior to the granting of a permit and the inauguration of the establishment, an inspection of the premises shall be made by a duly authorized representative of the Department of Health and the requirements for sanitation and the necessary facilities for inspection specified.

Regulation 7. Plans to be submitted. Duplicate copies of plans, properly drawn to scale, and of specifications, including plumbing and drainage, for remodeling plants of establishments and for new structures, shall be submitted to the Director of the Bureau of Food and Drugs in advance of construction.

Regulation 8. Establishments to be maintained in a sanitary condition. Establishments at which market inspection is conducted, and premises on or in which any meat or product is prepared or handled, shall be maintained in a sanitary condition.

Regulation 9. Abundant light and ventilation to be provided. There shall be abundant light, both natural and artificial and sufficient ventilation for all rooms and compartments to insure sanitary condition.

Regulation 10. Drainage and plumbing. There shall be an efficient drainage and plumbing system for the establishment and premises, and all drains and gutters shall be properly installed with approved traps and vents.

Regulation 11. Water supply. The water supply shall be ample, clean and potable, with adequate facilities for its distribution in the plant. Every establishment shall make known, and whenever required shall afford opportunity for inspection of the source of its water supply and the location and character of its reservoir and storage tanks.

Regulation 12. Construction of floors, walls, ceilings, etc. The floors, walls, ceilings, partitions, posts, doors, and other parts of all structures, shall be of such material, construction, and finish as will make them susceptible of being readily and thoroughly cleaned. The floors shall be kept watertight. The rooms and compartments used for edible products shall be separate and distinct from those used for inedible products.

Regulation 13. Rooms to be free from odors. The rooms and compartments in which any meat or product is prepared or handled shall be free from odors from dressing and toilet rooms, catch basins, hide cellars, casing rooms, inedible tank and fertilizer rooms, and stables.

Regulation 14. Establishment to be kept free from flies, rats, mice and other vermin. Every practicable precaution shall be taken to keep establishments free of flies, rats, mice and other vermin. The use of rat poisons is prohibited in rooms or compartments where any unpacked meat or product is stored or handled; but their use is not forbidden in hide cellars, inedible compartments, out-buildings or similar places, or in storerooms containing canned or tierced products. So-called rat viruses shall not be used in any part of an establishment or the premises thereof.

Regulation 15. Dogs not permitted in establishment except for destroying rats. Dogs shall not be permitted into establishments except, upon permission of the inspector in charge, for the purpose of destroying rats. Dogs which are admitted shall be kept free from tapeworm infestation. Such examinations shall be made to determine freedom from infestation. Contamination by the excreta of these animals shall not be permitted, nor shall the dogs be allowed to eat the raw viscera of cattle, sheep, swine or goats.

Regulation 16. Sanitary facilities and accommodations to be provided. Adequate sanitary facilities and accommodations shall be furnished by every establishment. Of these, the following are specifically required:

- (a) Dressing rooms, toilet rooms, and urinals, sufficient in number, ample in size, conveniently located, properly ventilated, and meeting all requirements as to sanitary construction and equipment. These shall be separate from the rooms and compartments in which meat and products are prepared, stored or handled. Where both sexes are employed, separate facilities shall be provided.
- (b) Modern lavatory accommodations, including running hot and cold water, soap, towels, etc. These shall be placed in or near toilet and urinal rooms and also at such other places in the establishment as may be essential to assure cleanliness of all persons handling any meat or product.

- (c) Properly located facilities for disinfecting and cleansing utensils and hands of all persons handling any meat or product.
- (d) Cuspidors of such shape as not readily to be upset and of such material as to be readily disinfected. They shall be sufficient in number and accessibility placed in all rooms and places designated by the inspector in charge, and all persons who expectorate shall be required to use them.

Regulation 17. Construction of equipment and utensils. Equipment and utensils used for preparing, processing, and otherwise handling any meat or product shall be of such materials and construction as will make them susceptible of being readily and thoroughly cleaned and such as will insure strict cleanliness in the preparation and handling of all meat and products. Trucks and receptacles used for inedible products shall bear some conspicuous and distinctive mark and shall not be used for handling edible products.

Regulation 18. Rooms to be kept clean and sanitary. Rooms, compartments, places, equipment, and utensils, used for preparing, storing, or otherwise handling any meat or product, and all other parts of the establishment, shall be kept clean and sanitary.

Regulation 19. Cleanly and sanitary methods in preparing meat. Operations and procedures involving the preparation, storing, or handling of any meat or product shall be strictly in accord with cleanly and sanitary methods.

Regulation 20. Rooms to be kept free from steam and vapors. Rooms and compartments in which inspections are made and those in which animals are slaughtered, or any meat or product is processed or prepared, shall be kept sufficiently free of steam and vapors to enable Inspectors of the Department of Health to make inspections and to insure cleanly operations. The walls and ceilings of rooms and compartments under refrigeration shall be kept reasonably free from moisture.

Regulation 21. Butchers and others to cleanse hands after handling diseased carcasses. Butchers and others who dress or handle diseased carcasses or parts shall, before handling or dressing other carcasses or parts, cleanse their hands of grease, immerse them in a prescribed disinfectant, and rinse them in clean water. Implements used in dressing diseased carcasses shall be thoroughly cleansed in boiling water or in a prescribed disinfectant, followed by rinsing in clean water. The employees of the establishment who handle any meat or product shall keep their hands clean, and in all cases after visiting the toilet rooms or urinals shall wash their hands before handling any meat or product or implement used in the preparation of the same.

Regulation 22. Clothing of employees. Aprons, frocks, and other outer clothing worn by persons who handle any meat or product shall be of material that is readily cleansed and only clean garments shall be worn. Knife scabbards shall be kept clean.

Regulation 23. Habits of employees. Such practices as spitting on whetstones, placing skewers or knives in the mouth, inflating lungs or casings, or testing with air from the mouth such receptacles as tierces, kegs, casks, and the like, containing or intended as containers of any meat or product, are prohibited. Only mechanical means may be used for testing.

Regulation 24. Wagons and cars to be kept clean. The wagons and cars in which any meat or product is transported shall be kept in a clean and sanitary condition. Wagons used in transferring loose meat and products between establishments shall be closed or so covered that the contents shall be kept clean.

Regulation 25. Use of second-hand tubs, barrels and boxes. Second-hand tubs, barrels and boxes, intended for use as containers of any meat or product, shall be inspected when received at the establishment and before they are cleaned. Those showing evidence of misuse, rendering them unfit to serve as containers for food products, shall be rejected. The use of those showing no evidence of previous misuse may be allowed after they have been thoroughly and properly cleaned. Steaming, after thorough scrubbing and rinsing, is essential to cleaning tubs and barrels.

Regulation 26. Surrounding premises to be kept clean. The outer premises of every establishment, embracing docks and areas where cars and wagons are loaded, and the driveways, approaches, yards, pens, and alleys, shall be properly drained and kept in clean and orderly condition. All catch basins on the premises shall be of such construction and location and be given such attention as will insure their being kept in acceptable condition as regards odors and cleanliness. The accumulation on the premises of establishments of any

material in which flies may breed, such as hog hair, bones, paunch contents, or manure, is forbidden. No nuisance shall be allowed in any establishment or on its premises.

Regulation 27. Health of employees. No establishment shall employ, in any department where any meat or product is handled or prepared, any person affected with tuberculosis or other communicable disease.

Regulation 28. Use of insanitary equipment prohibited. When necessary, inspectors of the Department of Health shall attach a "D. H. Rejected" tag to any equipment or utensil which is insanitary, or the use of which would be in violation of these regulations. No equipment or utensil so tagged shall again be used until made sanitary. Such tag so placed shall not be removed by anyone other than an inspector of the Department of Health.

Regulation 29. Tanking and denaturing condemned carcasses. Condemned meat and products, at establishments having facilities for tanking shall, except as hereinafter provided, be disposed of by tanking as follows: The lower opening of the tank shall first be securely sealed by a bureau employee; then the condemned meat and products and a sufficient quantity of coloring matter or other substance, to be designated by the department, shall be placed in the tank in his presence, after which the upper opening shall also be securely sealed by such employee, who shall then see that a sufficient force of steam (not less than 40 pounds) is turned into the tank and maintained a sufficient time effectually to destroy the contents for food purposes.

Regulation 30. Seals of tanks to be broken only by inspectors. The seals of tanks shall be broken only by an inspector of the Department of Health, after the product has been rendered as provided in Regulation 29, of these regulations. The drawing off of the contents of such tanks shall be supervised by an inspector of the Health Department. Samples shall be taken by inspectors as often as required to determine whether the fat or grease is effectively denatured.

Regulation 31. Rendered fats and grease to be destroyed. Rendered fats and greases condemned on reinspection shall be destroyed for food purposes by denaturing with coloring matter or other designated substance.

Regulation 32. Method of destroying meat condemned. Any meat or product condemned at an official establishment which has no facilities for tanking shall, under the supervision of an inspector of the Health Department, be denatured with crude carbolic acid, or other prescribed agent, or destroyed by incineration. When such meat or product is not incinerated, all containers thereof shall be opened, and all meat shall be freely slashed with a knife, before the denaturing agent is applied.

Regulation 33. Carcasses and parts passed for sterilization may be rendered into lard, etc. Carcasses and parts passed for sterilization may be rendered into lard or tallow provided that such rendering is done in the following manner: The lower opening of the tank shall first be securely sealed by an inspector of the Department of Health, then the carcasses or parts shall be placed in the tank in his presence, after which the upper opening shall be securely sealed by such inspector, who shall then see that a sufficient force of steam is turned into the tank. Such carcasses and parts shall be cooked at a temperature not lower than 220 degrees F., for a time sufficient to render them effectually into lard or tallow.

Regulation 34. Rendering of lard. Establishments not equipped with steaming tanks for rendering carcasses and parts into lard or tallow, as provided in Regulation 33, of these regulations, may render such carcasses or parts in open kettles under the direct supervision of an inspector of the Department of Health. Such rendering shall be done at a temperature and for a time sufficient to render the carcasses and parts effectually into lard or tallow, and shall be done only during regular hours of work.

Regulation 35. Disposition of carcasses passed for sterilization and rendered into lard. Carcasses and parts passed for sterilization and which are not rendered into lard or tallow may be utilized for food purposes provided they are first sterilized by methods, and handled and marked in a manner, approved by the Director of the Bureau of Food and Drugs.

Regulation 36. Canning of carcasses or parts passed for sterilization. Any carcasses or parts prepared in compliance with Regulation 33 of these regulations may be canned if the container be plainly and conspicuously marked so as to show that the product is second grade, class, or quality, and has been sterilized.

§327. Slaughtering of horses and sale of horseflesh regulated.

1. The business of slaughtering horses shall not be conducted in the City of New York. No horseflesh shall be brought into, transported or held, kept, or offered for sale in said City without a permit therefor issued by the Board of Health, or otherwise than in accordance with the terms of said permit and the regulations of said board. Such permits when issued shall specify "For Animal Consumption" or "For Human Consumption."

2. No carcass, or part of a carcass of a horse shall be brought into the City of New York, or held, kept, sold, offered for sale or given away in said city, until it shall have been inspected and passed as fit for human food by a duly authorized inspector of the United States Department of Agriculture and shall have been marked, stamped or branded as having been so inspected and passed, or, in the case of parts of a carcass, unless such parts shall have been cut from a carcass or part of a carcass which had previously been inspected and passed and so marked, stamped or branded as hereinbefore provided.

3. Horseflesh shall not be used as an ingredient of or in the preparation of any mixed food intended for human consumption.

4. Horseflesh, whether alone or combined with other ingredients, intended for animal feed shall not be brought into the City of New York, transported, or held, kept, stored, or offered for sale or sold unless decharacterized by harmless coloring or otherwise in a manner and with materials satisfactory to the Department of Health. This provision, however, shall not apply to horseflesh sold and transported to the New York Zoological Society or the Park Department of The City of New York.

(§327 amended by resolution filed with City Clerk August 12, 1943 and published in *The City Record* August 13, 1943.)

REGULATIONS

§327: Regulations governing the slaughtering of horses. (*Repealed by resolution filed with City Clerk August 12, 1943 and published in The City Record August 13, 1943.*)

§327: Regulations governing the sale of horseflesh. (*Amended by resolution filed with City Clerk August 12, 1943 and published in The City Record August 13, 1943.*)

Regulation 1. Preparation and sale restricted. No horseflesh shall be held, kept, offered for sale, sold or prepared, in any establishment or premises where other meat or meat products intended for human consumption are held, kept, offered for sale, sold or prepared.

Regulation 2. Sign to be displayed. A sign bearing the words "Horseflesh Sold Here," printed in block letters not less than three inches in height and one and one-half inches in width, shall be conspicuously displayed in each show window and on the walls of the salesroom of each establishment where horseflesh is kept, held, offered for sale, sold or prepared. This regulation, however, shall not apply where horseflesh (in whole or part) for animal feed is sold in the original sealed container clearly, legibly and conspicuously labeled to indicate that it is horseflesh (in whole or part) for animal feed and not for human consumption.

Regulation 3. Containers to be labeled. Each case, can, package, wrapping material, or other container of horseflesh or horseflesh (in whole or part) for animal feed brought into the City of New York, or held, kept, offered for sale or sold in said city, shall be clearly, legibly and conspicuously labeled to indicate that it is horseflesh or that it is horseflesh (in whole or part) for animal feed and not for human consumption, as the case may be.

Regulation 4. Transportation. No vehicle used in the transportation of horseflesh may be used in the transportation of any other meat intended for human consumption. Each vehicle transporting horseflesh, other than horseflesh (in whole or part) for animal feed in the original sealed packages of not more than five pounds each, shall be plainly and legibly marked on both sides with the word "Horseflesh" together with the dealer's name, address and permit number in block letters not less than three inches in height.

Regulation 5. Shipments and deliveries. All shipments of horseflesh into the City of New York and all deliveries of horseflesh by vehicles in said city, shall be accompanied by bills or delivery slips showing the name and address of the dealer, the amount in pounds shipped or to be delivered and the name and address of the consignee.

Regulation 6. Records of wholesalers. Every dealer who sells horseflesh or horseflesh for animal feed to another dealer for resale purposes shall keep accurate records of the following

(a) As to receipt of horseflesh—

1. Date of receipt.
2. Amount received in pounds.
3. Name and address of person or firm from whom received.
- (b) As to sale of horseflesh—
 1. Date of sale.
 2. Amount sold in pounds.
 3. Name and address of person or firm to whom sold.
 4. Nature of business conducted by purchaser, and purchaser's permit number.

These records shall be kept on file for at least six months and shall be open for inspection at all times by a representative of the Department of Health.

Regulation 7. Wholesomeness of product and sanitation of premises. All horseflesh or animal feed containing horseflesh held, kept, offered for sale or sold shall be sound and wholesome. Every establishment in which horseflesh or horseflesh (in whole or part) for animal feed is held, kept, offered for sale or sold or stored shall be maintained at all times in a clean and sanitary condition.

§328. Tanning, skinning, and scouring or dressing hides and leather regulated.

No establishment or place of business for tanning, skinning, or scouring, or for dressing hides or leather shall be opened, started, established, or maintained in The City of New York, without a permit therefor issued by the Board of Health or otherwise than in accordance with the terms of said permit and with the regulations of said board. (S. C., §88.)

REGULATIONS GOVERNING THE BUSINESS OF PREPARING SKINS OF ANIMALS, ADOPTED BY BOARD OF HEALTH

(Adopted March 30, 1915, effective April 1, 1915; readopted March 30, 1937.)

Regulation 1. Floors. The floors of scouring, steaming, flushing, tanning and dehairing rooms shall be watertight and graded to properly trapped sewer connected drains.

Regulation 2. Walls. The walls of scouring, steaming, flushing, tanning and dehairing rooms shall be painted and made impervious to dampness.

Regulation 3. Ventilation. The premises shall be properly and adequately ventilated by natural or mechanical means or both.

Regulation 4. Disposal of odors. Suitable and adequate means shall be provided for the disposal of all odors and no offensive odors shall be caused, suffered or allowed to escape into the outside air.

Regulation 5. Care of refuse. All refuse shall be kept in tightly covered metal receptacles and removed from the premises daily.

Regulation 6. Maintenance. The premises shall be kept in a clean and sanitary condition at all times.

§329. Business of rendering and melting fat regulated.

The business of rendering or melting fat shall not be carried on in The City of New York, without a permit therefor issued by the Board of Health or otherwise than in accordance with the terms of said permit and with the regulations of said board. (S. C., §95.)

§330. Business of manufacturing or preparing sausages, and smoking or preserving of meat, regulated. (Repealed by resolution filed with City Clerk June 15, 1942 and published in The City Record June 17, 1942; effective October 1, 1942.)

§330. Regulation governing the conduct, maintenance and operation of sausage manufacturing and establishments used for smoking and preserving meat or fish. (Repealed by resolution filed with City Clerk June 15, 1942 and published in The City Record June 17, 1942; effective October 1, 1942.)

§331. Business of collecting and breaking out eggs for inedible purposes regulated; permit required.

1. No person shall conduct or engage in the business of collecting or breaking out eggs in the City of New York for inedible purposes without a permit therefor issued by the Board of Health or otherwise than in accordance with the terms of said permit and with the regulations of said board.

2. No person shall receive, keep, hold, offer for sale, sell, transport or deliver in the City of New York any inedible eggs unless the eggs shall have been denatured.

3. Wherever used in this section or the regulations thereunder, the following terms shall be taken to mean and include:

(a) "Inedible eggs." Eggs which are partially hatched, broken, yolked, blood ringed, or veined, or unsound, including those affected by molds, or partly decomposed or sour, or eggs commonly known as "spots" or "spot eggs."

(b) "Denatured." The treatment of eggs with a substance, satisfactory to the Department of Health, the presence of which on the eggs prevents their use for human food.

§331 amended by resolution filed with City Clerk June 15, 1942 and published in *The City Record* June 17, 1942; effective October 1, 1942.)

REGULATIONS

§331: Regulations governing the breaking out of eggs for edible and inedible purposes. (*Repealed by resolution filed with City Clerk June 15, 1942 and published in The City Record June 17, 1942; effective October 1, 1942.*)

§331: Regulations governing the business of collecting or breaking out eggs for inedible purposes. (*Adopted by resolution filed with City Clerk September 9, 1942 and published in The City Record September 14, 1942; effective October 1, 1942.*)

Regulation 1. Lighting. Rooms in which eggs are broken from the shell for inedible purposes shall be properly and adequately lighted so that all parts may be readily inspected.

Regulation 2. Construction of walls and ceilings. Walls and ceilings shall be of a smooth, hard material and shall be kept clean, sanitary and in good repair and shall be painted or whitewashed as frequently as may be required by the Department of Health.

Regulation 3. Construction of floors. Floors shall be of cement, properly graded to sewer-connected drains and must be kept clean, sanitary and in good repair. Floors shall be scrubbed, flushed and deodorized at the close of business each day.

Regulation 4. Sinks and water supply. Suitable sinks with an adequate supply of hot and cold running water shall be provided. Wherever it is deemed necessary by the Department of Health, hose connection shall be installed.

Regulation 5. Garbage receptacles. Suitable, water-tight garbage and other waste material receptacles made of metal and with tight fitting covers shall be provided. Every receptacle shall be kept covered except when being filled or emptied. All garbage and other waste material shall be removed from the premises daily and shall not be allowed to become a nuisance. Immediately upon emptying, such receptacle shall be properly cleaned.

Regulation 6. Denaturing of inedible eggs. Inedible eggs in the shell or otherwise, when collected and before being transported, shall be denatured. No inedible eggs shall be received at an inedible egg breaking establishment unless such eggs have been denatured. Inedible eggs broken from the shell shall be placed immediately into clean, metal receptacles containing a suitable denaturant.

Regulation 7. Marking of receptacles containing inedible eggs. Receptacles containing inedible eggs shall be plainly and indelibly marked with the words "Inedible eggs denatured with (here insert name of denaturant)."

Regulation 8. Cleaning of receptacles. Receptacles used for inedible eggs shall be thoroughly cleaned and deodorized immediately upon emptying.

Regulation 9. Record to be kept of inedible eggs. Every person engaged in the business of collecting or breaking out eggs for inedible purposes shall keep a record of the date, place and person from whom inedible eggs were received.

*§332. Boiling varnish or oil; distilling alcoholic spirits; making lampblack, turpentine, or tar; treating and refining ores, metals, or alloys of metals; regulated.

No person shall hereafter erect or establish in The City of New York any manufactory or place of business, for boiling any varnish or oil, for the distilling of any ardent or alcoholic spirits, for making any lampblack, turpentine, or tar, for the treating and refining of ores, metals, or alloys of metals, with acids or heat, or for conducting any other business that will or does generate any offensive or deleterious gas, vapor, deposit, or exhalation, without a permit therefor issued by the Board of Health or otherwise than in accordance with the terms of said permit and with the regulations of said board. (S. C., §94.)

§333. Gas manufacture regulated and restricted; plans of building and location to be approved.

No person or corporation being a manufacturer of gas, or engaged in or about the man-

*See regulations following §322.

ufacture thereof, shall throw or deposit or allow to run, or shall permit to be thrown or deposited, into any public waters, river, or stream, or into any sewer therewith connected, or into any street or other public place, any gas, tar, or any refuse matter of or from any gas-house works, manufactory, mains, or service pipes, or permit the escape of any offensive odors from their works, mains, or pipes; nor shall any such person or corporation permit to escape from any of their works, mains, or pipes, any gas dangerous or prejudicial to life or health, or manufacture illuminating gas of such ingredients and quality that in the process of burning it any substance which may escape therefrom shall be dangerous or prejudicial to life or health; nor shall any such person or corporation fail to use the most approved and all reasonable means for preventing the escape of odors.

No buildings shall be erected or converted into, or used as, a place for the manufacture of illuminating gas, until the plans of such buildings and the location thereof, shall have been duly approved in writing by the Board of Health.

(S. C., §89.)

§334. Lodging houses regulated. (*Repealed by resolution filed with City Clerk November 21, 1941 and published in The City Record November 24, 1941.*)

***§334. Regulations governing conduct and maintenance of lodging houses.** (*Repealed by resolution filed with City Clerk November 21, 1941 and published in The City Record November 24, 1941.*)

§335. Public barber shops, hair-dressing establishments, manicuring and beauty parlors regulated.

No public barber shop, hair-dressing establishment, manicuring or beauty parlor shall be conducted or maintained in The City of New York without a permit therefor issued by the Board of Health or otherwise than in accordance with the terms of said permit and with the regulations of said board.

The terms "public barber shop," "public hair-dressing establishment," "public manicuring parlor" and "public beauty parlor" as used in this section shall be taken to mean and include all such premises as are commonly known by the terms "barber shop," "hair-dressing establishment," "manicuring parlor" and "beauty parlor," respectively, and shall include all premises or portion thereof wherein the business of shaving, clipping, cutting, trimming, singeing, shampooing, massaging, manicuring, dressing, adorning or beautifying the human hair, face, scalp or hands, is conducted for fee, charge, or hire.

(S. C., §179; amended January 26, 1922.)

REGULATIONS GOVERNING THE CONDUCT OF PUBLIC BARBER SHOPS, HAIR-DRESSING ESTABLISHMENTS, MANICURING AND BEAUTY PARLORS

(*As amended by the Board of Health, January 26, 1922.*)

Regulation 1. Establishments to be lighted and ventilated. Every public barber shop, hair-dressing establishment, manicuring parlor and beauty parlor shall be properly and adequately lighted and ventilated.

Regulation 2. Walls, ceilings, etc., to be kept clean. The walls, ceilings, furniture and other fixtures, and all other exposed surfaces in every such establishment shall be kept clean and free from dust.

Regulation 3. Floors to be kept clean. Floors of every such establishment shall be thoroughly swept or mopped each day. All hair dropping upon floor shall be removed therefrom as soon as practicable and in such manner as not to cause a nuisance.

Regulation 4. Waterclosets to be provided. Every such establishment shall be provided with suitable and sufficient waterclosets, properly and adequately flushed, trapped and sewer or cesspool connected, located in suitable and adequate, properly ventilated apartments with self-closing doors. Where both males and females are employed in any such establishment, such water-closet facilities shall be provided for separate use of each sex.

Regulation 5. Washing facilities to be provided. Every such establishment shall be provided with suitable and adequate washing facilities with hot and cold running water; sinks or wash basins must be of non-absorbent material, properly trapped, flushed and sewer or cesspool connected.

Regulation 6. Cuspidors to be provided. Suitable and sufficient cuspidors shall be provided in every such establishment and no spitting shall be

*Lodging houses are now regulated by the Department of Housing and Buildings.

allowed except into these receptacles. Cuspidors shall be cleaned and disinfected daily.

Regulation 7. Spitting signs to be posted. A sufficient number of notices forbidding spitting shall be kept posted conspicuously in every such establishment.

Regulation 8. Attendants to wash hands. Attendants shall wash their hands thoroughly with soap and hot water before attending any person.

Regulation 9. Infectious diseases of attendants. No person who is affected with any infectious disease in a communicable form shall attend any person in any such establishment.

Regulation 10. Attendants to wear coat or uniform. Attendants shall wear while attending any patron in any such establishment a clean, washable, outer coat or uniform having full length sleeves.

Regulation 11. Infectious diseases of patrons. No person affected with any infectious disease in a communicable form shall be attended in any such establishment.

Regulation 12. Implements to be cleansed and sterilized. All brushes, combs, razors, clippers, scissors, tweezers, black-head removers, files, pushers, buffers, and all massage and scalp applicators used in any such establishment shall be thoroughly cleansed and sterilized after each and every separate use thereof. Provided, however, that where complete sterilization is not practicable, the same shall be so cleansed and treated after each and every separate use thereof as to provide the maximum of sterility attainable. The use of any such implements which cannot be so treated is prohibited.

Regulation 13. Strops and hones to be kept clean. All razor strops and hones used in any such establishment shall be maintained in a cleanly condition at all times and no razor shall be stropped or honed after any use thereof for shaving unless the said razor shall, before such stropping or honing, have been treated as provided for in Regulation 12.

Regulation 14. Individual towels required. No towel shall be used in any such establishment for more than one person without being laundered. Towels, when laundered, shall be washed in water of a temperature of at least 200° F. Provided, however, that this latter requirement shall not apply to towels which are subjected, on the premises where washed, to a temperature of at least 200° F. in the process of drying or ironing.

Regulation 15. Individual head rest coverings required. Before any patron attended in any such establishment is permitted to recline in a chair, the head rest of such chair shall be covered with a clean towel or clean sheet of paper not previously used for any other purpose.

Regulation 16. Use of stick astringents prohibited. No alum, or other astringent, in stick form shall be used in any such establishment.

Regulation 17. Use of powder puffs, sponges and neck dusters prohibited. No powder puff, sponge or neck duster shall be used in any such establishment.

Regulation 18. Use of soap in common prohibited. The use of soap in common, or for more than one person, is prohibited in any such establishment.

Regulation 19. Use of shaving cups and finger bowls in common prohibited. The use of shaving cups or mugs and of finger bowls in common, or for more than one person, is prohibited in any such establishment.

Regulation 20. Regulations to be posted. Sufficient copies of these regulations shall be kept posted in conspicuous places in every such establishment.

§336. Public laundry regulated.

No public laundry shall be conducted otherwise than in accordance with the regulations of the Board of Health. The term "Public laundries" shall mean laundries established and operated for service to the general public and shall include steam laundries, wet wash laundries, hand laundries, diaper laundries and rental self-service laundries. The term "rental self-service laundry" shall mean any retail establishment where a series of washing, drying or ironing machines are installed for the use of the general public. The provisions of this section shall not apply to the home of a person performing laundry work thereat for a regular family trade or to residential self-service laundries as defined in Section 336a of the Sanitary Code. (*Generally revised January 13, 1948, effective March 1, 1948.*)

REGULATIONS GOVERNING THE CONDUCT OF LAUNDRIES

Regulation 1. Floors, walls and ceilings. The floors of wash rooms shall be constructed of a smooth watertight material and where required shall be graded and drained to properly sewer-connected drains. The floors of all rooms used for washing, sorting or handling goods shall be maintained in a clean, sanitary condition and in good repair. Walls and ceilings shall be of a smooth, hard material and must be kept clean and sanitary and in good repair and shall be of light-colored finish.

Regulation 2. Light. All rooms or places used for handling, sorting or washing clothes shall be properly and adequately lighted so that all parts thereof may be readily seen and inspected. Where the natural light provided is insufficient, artificial illuminants shall be installed, arranged and used to properly and adequately light such rooms during occupancy. The lighting facilities provided shall be so arranged as to prevent unnecessary strain on the vision or glare in the eyes of the workers.

Regulation 3. Ventilation; drying. Facilities for providing proper and sufficient natural or mechanical means of ventilation, or both, shall be provided in each workroom. Every such workroom in which people are regularly employed and in which any machinery or apparatus generating steam or vapors or radiating excessive heat, is operated, shall be properly ventilated during occupancy. In the workroom where excessive heat or humidity is produced suitable suction devices shall be installed.

Where laundered articles are delivered to the premises of a laundry in a damp or moist condition and are dried on the premises of such laundry, such drying shall be carried out without causing a nuisance of excessive heat or odors to premises adjacent to the laundry. Care shall be taken to prevent the contamination of articles which are being dried, from dust, dirt or any other deleterious substance, and drying shall be carried out without nuisance of lint to the external air.

Regulation 4. Plumbing, fixtures and appliances; hot water facilities.

(a) All plumbing fixtures and appliances shall be properly installed and connected in accordance with the requirements of the Administrative Code. All water supply outlets or connections to fixtures or appliances shall be properly protected from backflow into the water supply system.

(b) All hose coupling outlets and serrated tip outlets for hose connections are deemed to be submerged inlets and shall be independently protected with an approved vacuum breaker, except where approval for exception has been received from the Board of Standards and Appeals.

(c) No washing machine or other washing appliance shall be directly connected to the drainage system.

(d) Plumbing fixtures and appliances shall be maintained in good repair and in a clean and sanitary condition.

(e) Heating equipment and hot water facilities shall be provided adequate to supply water in amounts sufficient to meet the maximum demands of the washing machines and to maintain a temperature of one hundred and forty degrees (140°) Fahrenheit at all times during their operation.

Regulation 5. Maintenance of washing apparatus and custodial facilities. The inner and outer surfaces of shells and tubs of washing units shall be kept clean and sanitary. The inner and outer surfaces of cylinders and drums shall be kept visibly clean, sanitary and free from an excessive accumulation of insoluble residue. Special care shall be taken to insure proper maintenance of machine units where low temperature processes are used.

Suitable facilities shall be available on the premises for storing, handling and preparing laundry supplies, both liquid and solid, in a safe and sanitary manner. Containers of chemicals which may be harmful shall be clearly identified.

Regulation 6. Water-closet accommodations. Suitable and sufficient conveniently located waterclosets shall be available for each sex in compartments adequately lighted and properly ventilated. All water-closet fixtures, water-closet compartments and vestibules shall be maintained in a clean and sanitary condition and in good repair.

Regulation 7. Safety devices. All machinery, including belting, shafting and other parts thereof shall be properly guarded and provided with suitable safety appliances or devices in accordance with the requirements of the State Labor Law for the protection of all persons in or on the premises.

Regulation 8. Treatment of articles to be laundered; required process; high temperature process; germicidal treatment; machine designation. All articles to be laundered shall be treated by a process which includes exposure to a sufficient quantity of hot soapy water, which may contain additional alkalies

or other detergents, and which process shall include mechanical cleansing and an adequate series of rinses.

Such laundered articles shall be rendered visibly clean and also free from animal, chemical, bacterial and other deleterious substances in quantities which may be harmful to persons handling, wearing or using these laundered articles.

Where possible the "high temperature process" shall be used. When the "high temperature process" cannot be used in the course of laundering because of the character or nature of the fabric, "germicidal treatment," "controlled souring" or an exposure to one hundred and eighty (180) or more degrees Fahrenheit in the process of drying or ironing on the premises where articles are washed, shall be required.

The "high temperature process" shall mean and include the washing of fabrics in water of a temperature of one hundred and forty (140) or more degrees Fahrenheit for a minimum exposure time of ten minutes, followed by sufficient mechanical cleansing and an adequate series of rinses to render negligible any danger of bacterial contamination. Where practicable, water temperature shall be measured at the delivery point to the machine unit.

"Germicidal treatment" shall be accomplished by the addition, during the final rinse period, of an effective germicide approved by the Department of Health or by some other equally effective method so approved.

"Controlled souring" as used herein shall be taken to mean and include the controlled addition of a recognized acid during the laundering process for the purpose of neutralizing excess alkalinity.

When a germicide or antiseptic is used, its concentration shall not be sufficient to be toxic or irritating to persons handling, wearing or using such laundered articles.

In "rental self-service laundries," certain washing units must be designated where articles for laundering may be processed by low temperature formulas. High temperature processes may be used in all machines including these designated machines.

"Low temperature formula" shall mean and include any process where the "high temperature process" is not used. Signs shall be posted in a conspicuous place indicating clearly which washing units are restricted to the use of "high temperature processes" only, and prescribing the requirement that germicidal means must be taken where "low temperature formulas" are used.

Regulation 9. Containers not to be opened in transit. All unwashed clothes and linen received by representatives of the laundry for delivery to the laundry premises for washing shall be packed in containers furnished for such purpose. These containers shall be kept clean and free from vermin. Such containers shall not be opened, nor shall the unwashed clothes be removed therefrom until delivery to the laundry.

Regulation 10. Separation of unwashed clothes and linen from laundered articles; vehicles to be kept sanitary. Unwashed clothes and linen shall not be received, placed, sorted, marked or handled at the laundry or in any other place controlled by the laundry, including the vehicle, in close proximity to laundered articles. Vehicles used for the transportation of laundry shall be kept in a clean and sanitary condition. Where the same vehicle is used for receiving or transporting unwashed articles for delivery to the laundry and receiving and delivering laundered articles, it shall be cleaned daily after each use.

Regulation 11. Diapers; requirements; delivery of diapers. Diapers, after laundering, in addition to the requirements of Regulation 8, shall be free from pathogenic organisms and also free from any chemical substances in a concentration which may be irritating to the skin of the infant, and shall not be excessively torn or stained.

Diapers for delivery to users shall be packed in sealed, sanitary containers in such a manner that said packages may not be readily broken open.

Regulation 12. Eating or cooking forbidden in laundry rooms. Where meals are eaten on the premises, a separate room or space properly partitioned from the workrooms shall be provided therefor, and eating or cooking shall be prohibited anywhere on the premises except in such room.

Regulation 13. Drinking water. An adequate supply of drinking water, furnished by means of sanitary drinking fountains or the use of individual cups, shall be provided for the employees.

Regulation 14. Washing facilities. Suitable wash basins with sufficient running hot water, soap and individual towels shall be provided for persons engaged on the premises.

Regulation 15. Lockers. A sufficient number of suitable lockers in which employees may place their outer garments during the time they are at work shall be provided. Where physical limitations preclude the installation of lockers, a cloakroom with reasonable separation of garments shall be provided.

Regulation 16. Employee habits and clothing. All persons handling or sorting laundry shall be cleanly in their habits and shall wear clean, washable outer garments. Such persons shall wash their hands before beginning work and after visiting the toilet.

Regulation 17. Sanitary conditions. The premises shall be kept in a clean and sanitary condition and free from infestation from rodents and vermin. The business shall be conducted in such a manner as not to create a nuisance or condition prejudicial to life or health.

(Generally revised December 19, 1917; generally revised January 13, 1948; effective March 1, 1948.)

§337. Duty of employers to provide means to prevent occupational diseases.

Every employer shall provide reasonably effective devices, means, and methods to prevent the contraction by his employees of any illness or disease incident to the work or process in which such employees are engaged.

§338. Manufacturing, sorting and handling cigars, cigarettes and tobacco regulated.

No person engaged, in The City of New York, in manufacturing, sorting, or handling, cigars or cigarettes or in preparing, sorting, or handling, tobacco for any purpose, shall, at any time, touch with lips, teeth, or tongue any such cigar or cigarette or any such tobacco, intended to be sold or offered for sale; nor shall any person moisten with saliva, directly or indirectly, by spitting, or by use of the fingers, or utensils or accessories of any kind, any such cigar or cigarette or any such tobacco; nor shall any person spray or moisten any such cigar or cigarette or any such tobacco by means of water or any other liquid, emitted from the mouth; nor shall any part of any such cigar or cigarette be allowed to touch or be introduced into the nose of any person.

A copy of this section shall be conspicuously posted in every place where such cigars or cigarettes are, or tobacco is manufactured, prepared, sorted, or handled.

(Amended December 21, 1915.)

§339. Removal of dust, gases, and other impurities from workrooms by suction devices.

Every factory and other place of business in any workroom of which, in the course of business, dust, gases, fumes, vapors, fibres, or other impurities are generated, released, or set in motion, in quantities tending to injure the health of the persons therein employed, shall be provided with suction devices that will remove such dust, gases, fumes, vapors, fibers, or other impurities from every such workroom, and such devices shall be installed as near as practicable to the place where such dust, gases, fumes, vapor, fibres, or other impurities are generated, released, or set in motion. Such devices shall, also, be kept constantly working when their employment is necessary to meet the requirements of this section.

Every factory and other place of business in any workroom of which, through the nature of the business carried on, excessive heat is created shall be provided with such means or appliances as will appreciably reduce such heat, and such means or appliances shall be constantly employed when such excessive heat is being created.

§340. Bathing establishments regulated.

"Bathing establishment" shall be taken to mean and include every building, room, enclosure, place or premises, or parts thereof, where: (1) bathing is permitted; (2) bathing suits are hired out; (3) dressing or undressing in connection with the wearing, putting on or taking off of bathing suits is permitted; or (4) there is located a bathing beach, swimming pool, Russian or Turkish bath, or mikveh. This section shall not include wading pools, shore fronts or pools used only by the owner or his family, or baths used for cleansing purposes or hydrotherapy and which do not contain pools or tanks used collectively by a number of persons.

A "fill and draw" pool shall be taken to mean and include a pool whose sole means of cleansing is the complete removal of the used water and replacement thereof with clean water.

No bathing establishment shall be maintained in the City of New York without a permit therefor issued by the Board of Health or otherwise than in accordance with the terms of said permit and the regulations of the said board. The permit shall be for one year and application for renewal must be made annually. No permit will be required of a governmental department or agency.

No bathing establishment shall be constructed, nor shall any major alterations or addi-

tions be made to any bathing establishment, until detailed plans and specifications for same shall have been submitted to and approved by the Department of Health. In the case of minor changes, a statement describing them shall be submitted to the Department. On and after the date upon which these regulations become effective, the construction of "fill and draw" pools for swimming and bathing is hereby prohibited. Plans will not be approved for any bathing establishment which includes or depends upon the use of a beach bathing place along any portion of the waterfront of the City of New York in an area in which bathing establishments are prohibited by the Board of Health.

All bathing establishments in the City of New York shall use water only from the public mains unless otherwise approved by the Department of Health.

Plans and specifications for certain bathing establishments may also require approval of the Department of Housing and Buildings and when located on the waterfront, of the Department of Marine and Aviation. All bathing establishments before being permitted to operate must obtain a license from the Department of Licenses.

(S. C. §26 amended June 28, 1916, June 28, 1917, October 7, 1932, and generally revised May 13, 1947.)

REGULATIONS GOVERNING THE CONSTRUCTION AND OPERATION OF BATHING ESTABLISHMENTS GENERAL REGULATIONS APPLYING TO ALL BATHING ESTABLISHMENTS

Regulation 1. Dressing rooms. Suitable and separate dressing rooms, properly designated, shall be provided for each sex and equipped with lockers or other checking facilities adequate for the maximum number of people to be accommodated. The foregoing requirement will not apply to cabanas and private bath houses intended for the use of a single family. All entrances to and exits from the dressing rooms shall be effectively screened to interrupt the line of sight of persons outside of dressing rooms.

Construction. Walls and partitions of all dressing rooms and locker rooms shall be of smooth material with a finish impervious to moisture. The lower edge of dwarf partitions between dressing compartments which are provided with locks shall terminate not less than four (4) inches nor more than six (6) inches above the floor, shall be not less than six (6) feet high and for dressing booths not provided with locks, partitions between them shall terminate not less than four (4) inches above the floor. Floors shall so far as possible be of non-slip construction with surface impervious to moisture, free of open cracks or joints and sloped to adequate drains, and with the junctions at the side walls rounded, provided, however, that where bath houses are built over a sandy beach, open joint floors may be permitted. All furniture in rooms open to the public shall be of simple character which may be readily cleaned, resting flat on the floor or having sufficient space between the bottom of the furniture and the floor to permit of thorough cleaning and flushing of the floor underneath. Dressing compartments and lockers shall be adequately and properly ventilated. Dressing rooms shall be so located as to facilitate proper use of toilets before showers. On all new construction and where required, the entrance to the pool area shall immediately follow the shower bath room. Floor mats shall be of rough surface perforated rubber of such size that the mats and the floor underneath them can be readily cleaned. Cushions and mattresses shall be of non-absorbent material.

Regulation 2. Waterclosets and lavatories. On new construction or as required, adequate and proper watercloset facilities conveniently located, in properly ventilated compartments, shall be provided for each sex. At establishments where the bathing facilities are indoors, there shall be provided at least one lavatory adjacent to watercloset for each 150 lockers or other clothing checking units; one watercloset for each 80 units for females; and one watercloset and one urinal for each 100 units for males. For outdoor pools and bathing beaches, there shall be provided at least one lavatory adjacent to watercloset compartment for each 350 lockers or other clothing checking units; at least one watercloset for each 100 units for females; and at least one watercloset and one urinal for each 180 units for males.

Regulation 3. Shower facilities. On new construction or as required, adequate shower baths, but not less than two, shall be provided at each bathing establishment. At indoor pools, at least one shower shall be provided to every 50 lockers or other clothing checking units; at outdoor pools, one to every 100 units; and at beach bathing establishments, one to every 200 units. Showers at indoor pools shall supply hot and cold water. Showers supplying hot water, wherever installed, shall be of such design that a proper mixture of hot and cold

water can be obtained without danger of scalding the bather. Soap for individual use shall be available at all times.

Regulation 4. Drainage. The drainage from showers, tubs, dressing rooms, waterclosets, sinks, platform and other water-supplied fixtures shall be properly drained to a sewer or other approved outlet.

Regulation 5. Drinking water to be provided. An adequate supply of approved drinking water shall be furnished by means of sanitary fountains, constructed in a manner satisfactory to the Department of Health or by individual drinking cups which shall be conveniently located.

Regulation 6. Lighting. In every bathing establishment every part into which the public is admitted shall be adequately lighted when open for use.

Regulation 7. Ventilation. All indoor pools and all bath houses, dressing rooms, shower rooms and toilet rooms at both indoor and outdoor pools and beaches, shall be properly ventilated in compliance with Article V of the City Building Laws. Ventilation of indoor pool and dressing rooms shall be so designed that no direct draft will blow on bathers.

Regulation 8. Air space heating. All heating units shall be so isolated or protected that bathers cannot come into contact with them. Heating units shall be provided to heat dressing rooms, shower rooms and toilet rooms, except in summer seasonal bathing establishments, and shall be of sufficient capacity to heat the rooms to a temperature of seventy-five (75) degrees Fahrenheit, and shall be operated so as to maintain a minimum temperature of seventy (70) degrees Fahrenheit at all times while the rooms are in use. At indoor pools the pool room area heating units shall be of sufficient capacity to heat the room to a temperature of eighty-two (82) degrees Fahrenheit, and shall be operated when necessary so as to maintain a minimum temperature of seventy-five (75) degrees Fahrenheit. All air temperatures shall be measured at an elevation of four feet above the floor level.

Regulation 9. Maintenance. Every bathing establishment shall be maintained in a clean, sanitary, and safe condition at all times. Diving towers, springboards, floats, slides and other equipment shall be properly maintained so as to prevent injury to persons using same. Floors, steps and runways shall be washed daily when the bathing establishment is in use. Where foot baths are provided, they shall be properly maintained and the water in them shall be kept clean and shall contain at all times not less than 0.3 per cent nor more than 0.6 per cent of available chlorine, unless some other approved fungicide is used.

Regulation 10. Bathing suits, towels, linens, to be cleaned. After each individual use thereof, all bathing suits, towels, linens, and similar articles supplied by bathing establishments shall be properly washed and thoroughly dried before another use, at a laundry approved by the Department of Health or licensed by the Department of Licenses of The City of New York.

Regulation 11. Use in common of towels and other items, prohibited. The use of towels, drinking cups, combs, hair brushes, soap or other articles in common or the furnishing of these articles for such common use is prohibited.

Regulation 12. First-aid equipment. A standard, 16-unit Red Cross first-aid kit, or its equivalent approved by the Department of Health shall be provided for emergency use at all bathing establishments. A standard Army field or other approved stretcher, and two blankets shall be provided and be readily accessible.

Regulation 13. Life guard or qualified attendant. At each bathing beach or pool an adequate number of life guards or qualified attendants shall be in constant attendance during bathing hours. Such life guards or attendants shall have certificates satisfactory to the Department of Health showing that they have qualified in swimming, life-saving, and artificial resuscitation. He shall be in full charge of bathing and shall enforce all rules of safety and sanitation. No bather shall be permitted to be in the pool area unless the life guard or attendant is present.

Regulation 14. Diving towers, springboards and floats. Diving tower, when provided, shall be rigidly constructed and properly anchored with sufficient bracing to insure stability under the heaviest possible load.

Fixed platforms and floats in the water shall be designed to minimize entanglement or trapping of bathers beneath the platform. At least one foot of air space shall be left beneath any platform in the water wherever it is possible for a swimmer to get under the platform. Sufficient free and unobstructed head room shall be provided above diving boards and towers and their elevation above the water shall not exceed safe limits for the average swimmer, except where

they are erected under special permit from the Department of Health for the exclusive use of persons who are experts in diving.

ADDITIONAL REGULATIONS APPLYING TO POOLS

Regulation 15. Design and construction features of pools. All pools shall be constructed of water-tight material, having a smooth surface, without cracks or open joints and finished in white or light color. The walls shall be vertical. Steps, stairways, or ladders for entering or leaving the pool shall be provided and so designed and located that there shall be not less than two such exits, one at the shallow end and one at the deep end of the pool and they shall be maintained so as to be safe, convenient and easily cleaned. The use of wooden stairs or ladders in a pool is prohibited. Spectators shall be separated from the pool area in such a way as to prevent contamination of the pool. On new construction and as required, all pools shall have: (1) rounded corners; (2) overflow gutters and sidewalks which shall be of such design and construction as to facilitate cleanliness and safety, and sloped to drain away from the pool. The pool water shall not be heated by direct injection of steam into the pool.

Walls of pool areas shall have a smooth, impervious surface that can be readily cleaned. Walks to and in such areas shall have a non-skid surface that can be readily cleaned and disinfected. Floor mats shall be perforated, of rough surface rubber and of such size that the mats and the floor underneath them can be readily cleaned.

Regulation 16. Inlets and outlets. All pools shall be provided with outlets of sufficient size to drain the pool within eight hours, properly covered with gratings and so designed as to prevent the formation of a dangerous vortex when in use. Such drains shall be designed so that there can be no possibility of a reversal of flow from the sewer to the pool. Inlets shall be provided of proper size and spacing in relation to the outlets and to the size and shape of the pool, so as to facilitate uniform circulation of water throughout the pool. There shall be no direct connection between the piping system of the pool and the domestic water supply piping. Any direct domestic water supply piping leading to the pool shall terminate above its rim.

Regulation 17. Design of water recirculating system. On new construction or as required, the water recirculating system consisting primarily of the piping, pumps, filters, and disinfecting equipment together with other standard accessory equipment shall be adequate to properly clarify and disinfect an amount of water equal to the contents of the pool within 8 hours. The recirculating system shall be kept in operation as long as is necessary to maintain the required sanitary quality of the water. The surface of the filter medium of all new filters, and of existing filters as required, shall be of such size that the rate of filtration will not exceed three gallons per minute per square foot of surface area. At swimming pools to be constructed in the future and as may be required, flow meters shall be installed to indicate and record the rate of pumpage.

Regulation 18. Disinfection. Effective disinfection shall be provided and maintained in all pools. This shall be accomplished by chlorination or other method that will maintain at all times in the pool water an adequate residual amount of the disinfectant to counteract any pollution introduced into the water. Where pool water is recirculated, the disinfectant shall be applied by mechanical means. Where toxic gases are used, the method of storing and handling such materials and equipment, and the safety provisions pertaining thereto, shall conform to all municipal regulations relating to same. At least one gas mask in good operating condition and of a type approved by the United States Bureau of Mines as suitable for high concentrations of such gases, shall be kept at a readily accessible point available for use in case of accident. The person who operates the disinfecting equipment shall be familiar with the use of the masks, and the canisters included therewith, and he shall carry out exactly all the instructions furnished with them as to the testing and replacement of the canisters. The gas mask equipment shall be of rugged design capable of withstanding reasonable wear and tear without developing leaks.

Regulation 19. Operator. Each swimming or bathing pool shall be operated under the personal supervision of a well-trained operator. The operator shall have charge of, and be capable of operating, the purification equipment, and the recirculating system, the pool and other appurtenances or rooms connected therewith.

Regulation 20. Life-saving equipment. Buoys, ropes, and other necessary life-saving equipment shall be provided and readily accessible and kept in good repair.

Regulation 21. Personal regulations. All persons using the pool shall be instructed by means of suitable and adequate signs, properly located, to use toilet and particularly to empty the bladder and then take a cleansing shower before entering pool. Persons with sore or inflamed eyes, colds, nasal or ear discharges, boils, or other evident skin or other bodily infections or cuts, shall be excluded from the pool. Persons using the pool shall not commit, or be permitted to commit, any form of nuisance in pools, plunges, or mikvehs.

Regulation 22. Water standards.

(a) Quality of Water. Swimming pool water shall be so treated and maintained that the bacterial, chemical, and physical quality of the water shall meet the standards of the Department of Health whenever the swimming pool is open for use.

(b) Bacterial Standards. Of any five consecutive dechlorinated samples of the pool water collected when the pool is open for use: (1) none shall contain more than two hundred (200) bacteria per milliliter, nor shall the average bacteria content exceed one hundred (100) per milliliter; and (2) at least 80% of the portions shall give a negative test in ten (10) milliliters for bacteria of the coliform group, and no sample shall give a positive test in one milliliter or less of the sample. No sample shall show positive in more than 3 out of 5 of ten c.c. portions.

(c) Chemical Standards. Whenever chlorine, calcium hypochlorite or other chlorine compounds, without the use of ammonia, are employed for swimming pool disinfection, the amount of available or excess chlorine in the water as shown by the ortho-tolidine test shall not be less than 0.4 ppm. nor more than 0.6 ppm. Whenever alum or sulphate of alumina is used during purification, the water shall show an alkaline reaction with a pH value of 7.0 or above. When the water in a pool is disinfected with chlorine in the presence of ammonia, the pH value of the water shall not exceed 7.6 and the amount of available or excess chlorine shall not be less than 0.7 nor more than one ppm. During the periods of heavy loads, the chlorine residual shall be maintained near the upper limit of the permissible ranges.

(d) Physical Standards. The surface of the water shall be reasonably free from scum and floating matter. In a fresh water pool the water shall be sufficiently clear at all times when in use to permit a black disc 6 inches in diameter, placed on the bottom of the pool at the deepest point 10 feet out from the side, to be clearly visible from the side of the pool at a distance of 30 feet, the distance to be measured along the side from a line drawn straight across the pool through the disc.

The water of natural salt water pools shall meet the same test for clearness as for fresh water pools, except that the distance shall be 15 feet instead of 30 feet.

The bottom and sides of the pool shall be free from sediment, dirt, and slime.

The maximum temperature of indoor pool water when artificially heated shall not be above seventy-eight (78) degrees Fahrenheit.

Regulation 23. Operating tests. Tests for the presence of residual chlorine, pH of the water, the water and air temperatures, and clearness of the water shall be made by the operator as frequently as necessary throughout each day to maintain the standards as provided for in these regulations. Equipment approved by the Department of Health shall be provided for these tests.

Regulation 24. Operating records. At all pools, daily records shall be kept regarding the following: Number of bathers; quantity of water added; length of time pumps and filters are in operation; time when each filter is backwashed or cleaned; quantity of each chemical added; when the bottom and sides of the pool are cleaned; the results of all tests for hydrogen ion and residual chlorine; and any other tests that may be required. These records shall be submitted to the Department of Health each month on forms approved by the Department of Health.

ADDITIONAL REGULATIONS APPLYING TO BEACH BATHING ESTABLISHMENTS

Regulation 25. Access to approved beach or pool. No bathing establishment shall be conducted for the purpose of dressing and undressing unless the proprietor of the establishment submit proof satisfactory to the Department of Health that his patrons will have access to a beach or pool which is maintained and operated in accordance with the regulations of the Sanitary Code.

Regulation 26. Rooms prohibited for use as dressing rooms. No

room located in the cellar of a building, unless such room or rooms are provided with adequate mechanical ventilation and comply with all other applicable provisions of these regulations; nor any room used as a kitchen, dining room, sitting room, bathroom, sleeping room or rooms used for other domestic purposes, shall be used or permitted to be used as a bathing establishment.

Regulation 27. Observation post. An approved tower or other elevated observation post shall be provided for the use of life guards only and so located as to permit a clear view of the bathing area.

Regulation 28. Life lines to be provided on shore. A coil of rope shall be kept available on the shore for the use of those assisting the life guard in saving life. Such rope shall be of cotton, hemp or other approved material. It shall be not less than 500 feet in length with a buoy attached thereto and equipped with a tub or reel for paying out the rope, and kept in good order and in proper condition.

Regulation 29. Surf lines and warning signs to be provided. Surf lines and warning signs shall be provided and maintained in good condition at each beach used by a bathing establishment during the bathing season.

Surf lines not more than two hundred (200) feet apart shall extend into the water for such distance as bathing is ordinarily safe and free from danger of drowning to persons not expert in swimming. One end of these lines shall be securely fastened on shore above high water and the outer end anchored and visibly buoyed. All surf lines shall be of sound, serviceable and strong manila or hemp rope or other approved material not less than 1 inch in diameter. Surf lines shall be so buoyed or supported at intervals as to lie partially above the water surface and sufficiently close to the surface at all points so that bathers may readily catch hold of, and be supported by, the ropes.

Warning signs with the words "Bathing beyond the lines dangerous" clearly displayed thereon shall be put up in prominent places upon the beach.

Regulation 30. Surf boats to be provided. At each beach used by a bathing establishment a suitable surf boat, not less than sixteen (16) feet long, shall be provided, on each side of which there shall be hanging ropes arranged so that persons in the water can easily catch hold of same or be supported thereby. Such boats shall be equipped with rollers, two sets of oars and oarlocks, and at least one ring buoy or life preserver with quarter-inch cotton line not less than sixty (60) feet in length and such additional equipment as may be required. The pontoon type of surf boat known as a catamaran, not less than fourteen (14) feet in length, will be accepted as a suitable surf boat. Catamarans shall be equipped with one pair of oars and oarlocks. Surf boats of either type shall be stationed in readiness for immediate use during bathing hours.

§340: Regulations 28 and 29: (*Repealed by resolution filed with City Clerk May 18, 1945 and published in The City Record May 23, 1946; see Sanitary Code, §340-a, which follows immediately. Generally revised May 13, 1947.*)

§340-a. Location of beach bathing establishments restricted.

No permit shall be issued to conduct any bathing establishment which includes or serves a beach or a bathing place within five hundred (500) feet of the point of discharge of the outlet of any sewer, the flow of which would contribute, in any way, to the pollution of the waters deusby bathers, nor along that portion of the water front of The City of New York within the following designated boundary lines:

Borough of Manhattan:

- (a) Along the Hudson River, from the Harlem River to the Battery.
- (b) Along the East River, from the Battery to the Harlem River.
- (c) Along the Harlem River, from the Hudson River to the East River.

Borough of The Bronx:

- (a) Along the Hudson River, from the boundary line between the cities of New York and Yonkers to the Harlem River.
- (b) Along the Harlem River, from the Hudson River to the East River.
- (c) Along the East River, from the Harlem River to Fort Schuyler.

Borough of Queens:

- (a) Along the East River, from Willet's Point (Fort Totten) to Newtown Creek, including Little Bay, Powell's Cove, Flushing Bay and Bowery Bay.

Borough of Brooklyn:

- (a) Along the East River and Upper New York Bay from Newtown Creek to Norton's Point, including Gowanus Bay, the Narrows and Gravesend Bay.

Boroughs of Brooklyn and Queens:

(a) Along the Brooklyn-Queens shore of Jamaica Bay from Sheepshead Bay, Brooklyn, to the Queens-Nassau line, along the Queens-Nassau line to the northerly side of Far Rockaway; and along the northerly side of the Rockaway peninsula to Rockaway Point, including Sheepshead Bay, Rockaway Inlet, and all of Jamaica Bay with its estuaries and islands.

Borough of Richmond:

(a) Along the Raritan Bay, Arthur Kill and Kill Von Kull, from Page Avenue east of Tottenville to New Brighton.

(b) Along the Upper New York Bay and the Narrows, from New Brighton to the northerly boundary of Fort Wadsworth Reservation.

(§340-a added by resolution filed with City Clerk May 18, 1945 and published in *The City Record* May 23, 1945.)

§341. Ocean bathing; regulations for protection. (*S. C., §26, repealed May 13, 1947.*)

§342. Horseshoeing establishments regulated.

No horseshoeing establishment shall be conducted or maintained in the City of New York otherwise than in accordance with the regulations of the Board of Health. (§342, as amended, filed with City Clerk April 14, 1939 and published in *The City Record* April 17, 1939.)

REGULATIONS OF THE DEPARTMENT OF HEALTH OF THE CITY OF NEW YORK, ADOPTED DECEMBER 21, 1915, EF- FECTIVE JANUARY 1, 1916, GOVERNING THE CONDUCT OF HORSESHOEING ESTABLISHMENTS, AND RELATING TO SECTION 342 OF THE SANITARY CODE

Regulation 1. Floors. The floors shall be water-tight, kept in a clean sanitary condition, and when required by the Department of Health, properly graded and drained and sewer or cesspool connected.

Regulation 2. Walls. The portion of the side walls used for tying horses shall be smooth and finished with a non-absorbent material to a height of eight feet above the floor, maintained in good repair and washed at the close of each working day with a germicidal disinfectant.

Regulation 3. Chains. Chains with metal snap hooks at each end shall be furnished and used in tying horses while being shod. Every such chain, after being used by a horse with a nasal discharge, shall be removed and disinfected.

Regulation 4. Refuse. Metal containers, with tight fitting covers to hold manure, floor sweepings, hoof parings, and other refuse material, shall be provided. All such refuse material shall be stored in such containers and removed from the premises at least twice in each week.

§343. Use of common cigar cutters prohibited.

No cigar cutter of any type designed for use in common shall be maintained in any public place or store in The City of New York. The term "for use in common" as used herein shall be deemed to mean and include for the use of, or intended to be used by, more than one person. (*Adopted February 20, 1922.*)

§344. Flexible gas tubing; term defined; registration required; sale and use regulated.

No person shall have, sell, offer for sale, give away, deal in or supply, any flexible gas tubing, unless such flexible gas tubing shall have been registered with the Board of Health and a certificate of registration has been issued by the Board of Health certifying that such flexible gas tubing has been examined and tested and found to comply with the regulations of the said board. The term "flexible gas tubing" shall be taken to mean and include any non-rigid hosing or piping and the end pieces thereof securely attached thereto and used or intended to be used to convey manufactured gas for domestic, manufacturing, or other purposes. It shall be the duty of every manufacturer of flexible gas tubing before offering same for sale in The City of New York to procure a certificate of registration of such flexible gas tubing from the Board of Health in accordance with the regulations of said board.

Any flexible gas tubing found to be defective or imperfect or leaky, or unfit for use by reason of defects or imperfections therein, or if such flexible gas tubing shall not have been properly registered with the Board of Health, or if such flexible gas tubing be fraudulently marked or registered, or if it shall not conform in all respects with the regulations of the Board of Health governing such flexible gas tubing, may be seized by any inspector or other duly authorized representative of the Board of Health, condemned, destroyed or held for such

action as the Board of Health may direct. (This section shall take effect August 1, 1926.)
(Adopted June 11, 1926.)

ARTICLE 18

VESSELS AND SEAMEN

(Article 18, consisting of Sections 350 through 362, repealed by resolution filed with the City Clerk April 14, 1941 and published in *The City Record* April 16, 1941.)

§352: Regulations. (Repealed by resolution filed with City Clerk April 14, 1941 and published in *The City Record* April 16, 1941.)

§358: Regulations. (Repealed by resolution filed with City Clerk April 14, 1941 and published in *The City Record* April 16, 1941.)

§359: Regulations. (Repealed by resolution filed with City Clerk April 14, 1941 and published in *The City Record* April 16, 1941.)

§360: Regulations. (Repealed by resolution filed with City Clerk April 14, 1941 and published in *The City Record* April 16, 1941.)

ARTICLE 18

VESSELS AND AIRCRAFT

(Article 18, consisting of Sections 350 through 355, added by resolution filed with City Clerk April 14, 1941 and published in *The City Record* April 16, 1941.)

Section 350. Births and deaths on vessels and aircraft; duty of officers, physicians and others to report.

351. Matters prejudicial to health, communicable diseases, and group food poisoning cases, on vessels and aircraft; duty of officers, physicians and others to report; isolation, quarantine and exclusion of foodhandlers.

352. Vessels and aircraft carrying infected articles restricted; insects, rodents and vermin to be eliminated.

353. Acts on board vessels and aircraft prejudicial to health, casting of articles into public waters, prohibited.

354. Houseboats, defined and regulated.

355. Boats and other water craft; loud and explosive noises prohibited.

§350. Births and deaths on vessels and aircraft; duty of officers, physicians and others to report.

1. It shall be the duty of the master, chief officer, physician or other person who shall render professional assistance, and of the owner, charterer and any other person having the management or control, of any vessel or aircraft which shall arrive in the City of New York, to execute and file at the Manhattan office of the Bureau of Records and Statistics of the Department of Health within twenty-four hours after such arrival, a report of each birth and, if the body is brought into the city, each death which occurred on said vessel or aircraft during the voyage.

2. The master, chief officer, physician, or the owner, charterer, or person having the management or control of any vessel arriving at the Port of New York and docking in said port but not in the City of New York, may, in addition to complying with the laws governing at the place of docking, execute and file with the Manhattan office of the Bureau of Records and Statistics of the Department of Health within twenty-four hours of arrival in port, a report of any birth which occurred on said vessel during the voyage.

3. Each such report shall be made on an appropriate form provided by the Department of Health for such purpose, and shall, in general, conform to the requirements for such a report as if the event had occurred in the City of New York. When the event occurred at sea, the place shall be stated by inserting the words "at sea" and giving the name of the vessel or aircraft and the latitude and longitude where the event occurred.

4. Each report filed with the Bureau of Records and Statistics of the Department of Health under the provisions of this section shall be given a serial number and shall be included in special registers for birth and for deaths occurring on vessels and aircraft arriving at New York City.

(Section 350 amended by resolution filed with City Clerk March 17, 1944 and published in *The City Record* March 20, 1944.)

§351. Matters prejudicial to health, communicable diseases, and group food poisoning cases, on vessels and aircraft; duty of officers, physicians and others to report; isolation, quarantine and exclusion of foodhandlers.

It shall be the duty of the master, chief officer, ship's physician, and of the owner, charterer, and any other person having the management or control of any vessel or aircraft which shall arrive at the City of New York or while in said city, immediately to:

(a) Report to the Department of Health any facts concerning any person or thing on said vessel or aircraft during the voyage, or while in the city, which will be or is likely to be prejudicial to the health or life of any person in the City of New York;

(b) Report to the Department of Health the name and the address of immediate destination of any person on said vessel or aircraft who is, or who during the voyage was, affected with or suspected of having any communicable disease, or of being a communicable disease carrier;

(c) Report to the Department of Health the names and addresses of immediate destinations of the persons with diarrhea or sore throat whenever a group of such cases occurs on said vessel or aircraft during the voyage, or while in the city;

(d) Secure and maintain the necessary isolation of any person on said vessel or aircraft affected with or suspected of having any communicable disease or of being a communicable disease carrier until released by the Department of Health, and establish and maintain the necessary quarantine in accordance with the provisions of the Sanitary Code and the regulations relating thereto; and

(e) Exclude foodhandlers on said vessel or aircraft who have come in contact with such affected person or carrier from handling food in accordance with the provisions of the Sanitary Code and the regulations relating thereto.

§352. Vessels and aircraft carrying infected articles restricted; insects, rodents and vermin to be eliminated.

1. No master, chief officer, owner, charterer, consignee or other person having the management or control, of any vessel or aircraft shall either bring into the City of New York, or keep on board, or unload therefrom, without first notifying the Department of Health or otherwise than in accordance with such directions as the Department of Health may deem necessary in the particular case for the protection of public health, any skins, hides, rags or other articles which are infected and may transmit communicable disease.

2. It shall be the duty of the master, chief officer, owner, or other person having the management or control of any vessel or aircraft in or coming into the City of New York, to prevent insect, rodent or other vermin infestation of any place or material upon such vessel or aircraft and eliminate insect, rodent and other vermin harborages and infestations.

§353. Acts on board vessels and aircraft prejudicial to health, casting or articles into public waters, prohibited.

1. No person shall commit an act on a vessel or aircraft during the voyage to the City of New York, or while in said city, and no master, chief officer, owner, charterer, or person having the management or control of such vessel or aircraft shall permit any person to commit an act which is or is likely to be prejudicial to the life or health of any person in the City of New York.

2. No person on board a vessel or aircraft shall cast, and no master, chief officer, owner, charterer, or person having the management or control of such vessel or aircraft shall allow to be cast therefrom, any article or refuse material into the waters within the territorial limits of the City of New York.

§354. Houseboats, defined and regulated.

No houseboat shall be moored, anchored or located in the waters within the territorial limits of the City of New York, unless proper garbage and refuse disposal facilities and an adequate and safe water supply are provided. No garbage or refuse shall be cast or thrown into the waters in which the houseboat is moored, anchored or located. Nothing shall be done at, near or on the houseboat to create a nuisance.

Houseboat Defined. For the purpose of this section, a houseboat shall be taken to mean and include a covered boat fitted up as a dwelling, or a boat with a deck cabin suitable for a dwelling, and used or occupied for dwelling purposes.

§355. Boats and other water craft; loud and explosive noises prohibited.

All boats or other water craft plying on any of the waters of or adjacent to the City of New York, equipped with a gasoline or other internal combustion engine in which a gas is generated or used for purposes of propulsion, shall be constructed so that the exhaust from such engine is made to discharge into a muffler or other device which will prevent loud or explosive noises occurring on or about any such boat or craft; and no person having the management and control of any such boat or craft, or operating the engine thereon, shall cause, permit, suffer, or allow the exhaust from such engine to discharge into the open air, or otherwise than into a muffler or other device which will prevent loud or explosive noises occurring on or about any such boat or craft.

I, CHARLES F. OSBORNE, Secretary of the Board of Health of the Department of Health of The City of New York, do hereby certify that the foregoing is a true copy of the Sanitary Code and Regulations of The City of New York as revised and amended by the Board of Health of the Department of Health of The City of New York and filed in the office of the City Clerk of The City of New York, to and including February 10, 1948.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the said Department of Health this 27th day of September, 1948.

(Signed) CHARLES F. OSBORNE,
Secretary.

[SEAL]

NEW YORK WORLD'S FAIR 1939 INCORPORATED

(Filed with City Clerk April 3, 1939 and published in The City Record March 14, 1939; approved by Board of Estimate February 2, 1939; these regulations having become obsolete are not reprinted in this volume. For the complete text of these regulations, see "First Annual Compilation of Rules and Regulations of New York City Agencies.")

APPENDIX

- (A) Chapter 22 of the New York City Charter, relating to the Department of Health.
- (B) Chapter 22 of the Administrative Code of The City of New York, relating to the Department of Health.
- (C) Article 17-b of the Public Health Law of the State of New York, relating to Certain Contagious (venereal) Diseases.
- (D) Section 16 of the Public Health Law of the State of New York, relating to Serological Blood Tests for Syphilis of Pregnant Women.
- (E) Section 13 to 15-b inclusive, of the Domestic Relations Law of the State of New York, relating to Serological Blood Tests for Licensing and Solemnization of Marriage.
- (F) Article 12 of the Labor Law of the State of New York, relating to Bakeries and Confectioneries.
- (G) Article 23 of the Public Health Law of the State of New York, relating to Live Pathogenic Microorganisms or Virus.
- (H) Article 39A of the Education Law of the State of New York, relating to Physically and Mentally Handicapped Children.
- (I) Article 1 of the Domestic Relations Court Act of the State of New York, relating to Organization, Definitions.
Rules and Regulations of the Department of Health.

APPENDIX (A)

Chapter 22 of the NEW YORK CITY CHARTER

Relating to the Department of Health

CHAPTER 22 DEPARTMENT OF HEALTH

Department; commissioner.

§551. a. There shall be a department of health the head of which shall be the commissioner of health who shall be appointed by the mayor.

b. The commissioner.

(1) shall be a doctor of medicine or the holder of a degree in public health received from a college or university after at least two years of graduate study, and

(2) shall have had at least eight years' experience either in public health administration or in college or university public health teaching or in both.

Deputies and secretary.

§552. The commissioner may appoint two deputies and a secretary of the department.

Board of health.

§553. a. There shall be in the department a board of health to consist of the commissioner who shall be chairman and four members, at least two of whom shall be doctors of medicine who shall each have had not less than ten years' experience in any or all of the following: clinical medicine, public health administration or college or university public health teaching.

b. The four members other than the chairman shall serve without compensation and shall be appointed by the mayor. Of those first appointed, one shall be appointed for two years, one for four years, one for six years and one for eight years. The terms of such members shall begin to run from the first day of January, nineteen hundred thirty-eight. All subsequent appointments shall be for eight years, except that in case of a vacancy the mayor shall appoint a member to serve for the unexpired term.

c. The secretary of the department shall act as secretary of the board of health, and in his absence the board may designate a secretary pro tempore. The commissioner shall designate such stenographers and other employees of the department as may be necessary to the service of the board of health.

Removal of members of board.

§554. A member of the board of health other than the chairman may be removed by the mayor on proof of official misconduct or of negligence in official duties or of conduct in any manner connected with his official duties which tends to discredit his office, or of mental or physical inability to perform his duties; but before removal he shall receive a copy of the charges and shall be entitled to a hearing before the mayor and to the assistance of counsel at such hearing.

Powers and duties of commissioner.

§555. The commissioner shall have all the powers and duties of the department except those vested by law in the board of health.

Authority, duties and powers of the department.

§556. a. The department shall have jurisdiction to regulate all matters affecting health in the city.

b. The authority, duties and powers of the department shall extend over the city, and over the waters adjacent thereto, within the jurisdiction of the city and within the quarantine limits as established by law.

c. Unless otherwise provided by law, it shall be the duty of the department to enforce all provisions of law applicable in the area under its jurisdiction for the preservation of human life, for the care, promotion and protection of health and relative to the necessary sanitary supervision of the purity and wholesomeness of the water supply and the sources thereof.

Offices of the department.

§557. The department shall maintain a main office and shall maintain, furnish and oper-

ate offices, health centres and health stations in each borough. The commissioner shall designate an office in each borough in which shall be kept the records of births, stillbirths and deaths in such borough. The health centres may contain facilities for health education and for such other health purposes as in the opinion of the board of health may be necessary to carry out the powers and duties of the department.

Sanitary code.

§558. a. The sanitary code which is in force in the city on the date at which this charter takes effect and all existing provisions of law fixing penalties for violations of the code and all regulations of the board of health on file with the city clerk on the date when this charter takes effect shall continue to be binding and in force except as amended or repealed from time to time. Such code shall have the force and effect of law.

b. The board of health is hereby authorized and empowered from time to time to add to and to alter, amend or repeal any part of the sanitary code, and may therein publish additional provisions for the security of life and health in the city and confer additional powers on the department not inconsistent with the constitution or laws of this state or with this charter, and may provide for the enforcement of the sanitary code or any orders made by the commissioner or the board of health, by such fines, penalties, forfeitures and imprisonment as may be prescribed therein or otherwise by law.

c. The board of health may embrace in the sanitary code all matters and subjects to which the power and authority of the department extends, not limiting their application to the subject of health only.

d. Any violation of the sanitary code shall be treated and punished as a misdemeanor. Pecuniary penalties for violations of the sanitary code may be recovered in a civil action before any justice or tribunal in the city having jurisdiction of civil actions.

e. No amendment or addition to the sanitary code or repeal of any provision thereof adopted by the board of health subsequent to the date of going into effect of this charter shall become valid and effectual until a copy of such amendment, addition or repeal duly certified by the secretary of the board be filed with the city clerk. Upon such filing the amendment or addition shall be part of the sanitary code and shall be published forthwith in the City Record by the city clerk.

f. The board of health may add, amend and repeal regulations in regard to any matter contained in the sanitary code, and such regulations when filed with the city clerk shall have the same force and effect as a provision of the sanitary code and shall be published forthwith in the City Record.

g. No action shall abate, or right of action already accrued be abolished, by reason of the expiration, repeal or amendment of any provision of the sanitary code or regulations in regard thereto.

Seal.

§559. The board of health may adopt a seal which shall be used for the authentication of the orders and proceedings of the department, in commissioning its officers and agents and otherwise as may be provided by rule or in the sanitary code.

Communicable disease hospitals.

§560. a. Upon the resolution of the board of health addressed to the mayor and to the commissioner of hospitals, and with the written consent of the mayor, any hospital operated by the department of hospitals shall be designated as a hospital for the care and treatment of communicable disease, and the department of health may authorize or direct the removal to any such hospital of any person suffering from such disease or any carrier of a communicable disease, if deemed by it necessary for the protection of the public health.

b. The board of health, if in its judgment necessary, may, during the prevalence of an epidemic, take possession of any building or buildings in the city for temporary hospitals, and shall pay a just compensation for private property so taken. Such temporary hospitals shall be under the control of the department of health unless the board of estimate shall with the consent of the mayor direct that they be placed under the control of the department of hospitals.

Permits.

§561. The board of health may in its discretion grant, suspend or revoke permits for businesses or other matters in respect to any subject regulated by the department. Whenever the board of health in the sanitary code authorizes the issuance, suspension or revocation of a permit by the commissioner, his action shall be subject to review by the board of health upon an appeal by the party aggrieved under such rules as it may provide. Such rules may provide in what cases an appeal may stay the action of the commissioner until final determination by the board of health; but notwithstanding any such rule the board of health shall have power to grant or refuse a stay in any particular case.

Failure to observe order; penalty.

§562. Except in cases where it is otherwise provided by law, every violation, neglect or refusal by any person to comply with any order of the commissioner or board of health shall be triable by a city magistrate and punishable by not more than thirty days' imprisonment, or by a fine of not more than fifty dollars, or both.

Declaration of imminent peril.

§563. In the presence of great and imminent peril to the public health, it shall be the duty of the board of health, having first taken and filed among its records what it shall regard as sufficient proof to authorize its declaration of such peril, and having duly entered the same in its records, to take such measures, and to order the department to do such acts beyond those duly provided for the preservation of the public health, including the power to take possession of and occupy as a hospital any building or buildings in the city, as it may in good faith declare the public safety and health to demand, and the mayor shall in writing approve. However, no expenditures shall be incurred in the exercise of such extraordinary power unless provision shall have been made therefor in the budget or unless such expenditures are financed pursuant to sections one hundred twenty-seven or one hundred twenty-eight of this charter or section 29.00 of the local finance law. Such peril shall not be deemed to exist except when and for such period of time as the board of health and mayor shall declare. (*Section amended by L. 1943, ch. 710 Part III, Title 35, §569 effective July 2, 1944—see also Part VIII §§1-8.*)

Suits and service of papers.

§564. The department may sue and be sued in and by the proper name of "The Department of Health of the City of New York," and service of all process in suits and proceedings against or affecting said department, and other papers, may be made upon the commissioner or upon the secretary, and not otherwise; except that, according to usual practice in other suits, papers in suits to which the department is a party may be served on the corporation counsel or such assistant as may be assigned by him to the department.

No personal liability.

§565. No member, officer or agent of the department and no person other than the department or the city itself shall be sued or held to liability for any act done or omitted in good faith and with ordinary discretion, on behalf of or under the department, or pursuant to its regulations, ordinances, local laws or health laws. And any person whose property may have been unjustly or illegally destroyed or injured, pursuant to any order, regulation or action of the department or its officers, for which no personal liability may exist, as aforesaid, may maintain a proper action against the city for the recovery of the proper compensation or damage. Every such suit must be brought within six months after the cause of action arose, and the recovery shall be limited to the damages suffered.

Right of entry of officers of department.

§566. The commissioner and his deputies and such officers or employees of the department as are authorized by the commissioner may without fee or hindrance enter, examine and inspect all vessels, premises, grounds, structures, buildings and every part thereof and all underground passages of every sort in the city for compliance with the provisions of law enforced by the department and its rules and regulations, and may make plans, drawings and descriptions thereof, according to the regulations of the department. The owner or his agent or representative and the lessee or occupant of any such premises, grounds, structures, buildings and every part thereof and all underground passages of every sort in the city and every person having the care and management thereof, shall at all times when required by any such officers or employees, give them free access thereto, and refusal so to do shall be triable by a city magistrate and punishable by not more than thirty days' imprisonment, or by a fine of not more than fifty dollars, or both.

Records of births, stillbirths and deaths.

§567. The board of health shall prescribe the persons who shall be required to keep a registry of births, stillbirths and deaths occurring in the city and file certificates thereof with the department and the form and manner in which such registry shall be kept and certificates filed.

The board of health shall make rules for the recording of births which have not been recorded in accordance with law and for the change or alteration of any birth, stillbirth or death certificate upon proof satisfactory to the commissioner.

Acceptance of private funds.

§568. No grant, gift, devise or bequest made to the city or to the department for work to be done within the jurisdiction of the department shall be accepted, and no work or research paid for from private sources shall be carried on under the jurisdiction of the department except with the approval of the commissioner and of the board of health.

APPENDIX (B)
Chapter 22 of the
ADMINISTRATIVE CODE OF THE CITY OF NEW YORK
Relating to the Department of Health

CHAPTER 22
DEPARTMENT OF HEALTH
TITLE A

§552-1.0 **Secretary.**—The secretary, subject to the direction of the commissioner, shall keep and authenticate the acts, records, papers and proceedings of the department, preserve its books and papers, conduct its correspondence, and aid generally in accomplishing the purposes of the department.

§552-2.0 **Certification by chief clerk.**—Papers certified by the chief clerk of the department or by an assistant chief clerk shall be of the same effect as evidence and otherwise, as if certified by the secretary.

§556-1.0 **Proofs and affidavits.**—Proofs, affidavits and examinations as to any matter under the jurisdiction of the department may be taken by or before the board or other person as the commissioner or board shall authorize. The commissioner, the secretary and any member of the department, shall, severally have authority to administer oaths in such matters.

§556-2.0 **Measures to prevent the spread of disease.**—a. It shall be the duty of the department:

1. To cause any avenue, street, alley or other passage whatever, to be fenced up or otherwise inclosed if it shall deem the public safety requires it, and to adopt suitable measures for preventing all persons from going to any part of the city so inclosed;

2. To forbid all communication with the house or family infected with any communicable disease except by means of physicians, nurses or messengers to carry the necessary advice, medicines and provisions to the afflicted;

3. To adopt such means for preventing all communication between any part of the city infected with a disease of communicable character and all other parts of the city, as shall be prompt and effectual.

b. Failure to comply with the provisions of this section shall constitute a misdemeanor, punishable by a fine of not exceeding two hundred fifty dollars, or imprisonment not exceeding six months, or both.

§556-3.0 **Inspection of sick; reports.**—Any officer or employee of the department may visit any person who shall be reported to the department as being apparently or presumably sick of any communicable disease and report his opinion of such sickness to it in writing.

§556-4.0 **Inspection of vessels; removal; violation of orders, punishments for.**—a. An officer or employee of the department shall visit and inspect all vessels coming to the wharves, landing places, or shores of the city, or within three hundred yards thereof, which are suspected of having on board any communicable disease, or of being likely to communicate such disease to the inhabitants of the city. He shall report in writing, stating the vessel so inspected and the nature, state, and situation thereof, and his opinion as to the probability of disease being communicated by or from the same, and shall file such report in the main office of the department.

b. If the department deem it probable that any such disease may be brought into the city or communicated to the inhabitants thereof, it may by order direct any vessel lying at a place within three hundred yards of any wharf, landing place or shore of the city to be removed at least three hundred yards therefrom within six hours after a copy of such order, certified by the secretary of the department, shall be delivered to the person or persons having command of such vessel, or to the master, owner or consignee thereof. Every person to whom such copy of such order shall be delivered shall forthwith comply with the same.

c. Failure to comply with the provisions of this section shall constitute a misdemeanor, punishable by a fine of not exceeding two hundred fifty dollars, or imprisonment not exceeding six months, or both.

§556-5.0 Infected places outside the city; proclamation.—a. The board of health may issue a proclamation declaring any place where there shall be reason to believe a communicable disease actually exists, to be an infected place within the meaning of the health laws of this state. Such proclamation shall fix the time when it shall cease to have effect but such period, from time to time, may be extended by the board if it shall judge the public health to require such extension. Notice of an extension shall be published in one or more newspapers of the city.

b. After such proclamation shall have been issued, all vessels arriving in the port of New York from such infected place shall be subject to a quarantine of at least thirty days or until the termination of the proclamation period, and together with their officers, crews, passengers and cargoes, shall be subject to all the provisions, regulations and penalties in relation to vessels subject to quarantine.

c. The board may prohibit or regulate the internal intercourse by land or water between the city and the infected place; and may direct that all persons who come into the city contrary to its prohibition or regulations shall be apprehended and conveyed to the vessel or places from where they last came, or if sick, to such place as the board shall direct.

d. Failure to comply with the provisions of this section shall constitute a misdemeanor, punishable by a fine of not exceeding two hundred fifty dollars, or imprisonment not exceeding six months, or both.

§556-6.0 Vaccinations.—a. The department is empowered to collect and preserve pure vaccine lymph or virus, produce diphtheria antitoxin and other vaccines and antitoxins, and add necessary additional provisions to the sanitary code in order to most effectually prevent the spread of communicable diseases.

b. The department may take measures, and supply agents and offer inducements and facilities for general and gratuitous vaccination, disinfection, and for the use of diphtheria antitoxin and other vaccines and antitoxins.

§556-7.0 Sale and exchange of lymph and antitoxin.—a. The department may authorize the sale at reasonable rates to be fixed by it, of surplus vaccine lymph, virus, diphtheria antitoxin and other vaccines and antitoxins, when the amount collected shall exceed the amount required by it in the proper performance of its duties. The avails of such sales shall be accounted for and paid to the city treasurer, and shall be set apart and constitute distinct funds, to be known respectively as "the fund for gratuitous vaccination," and the "antitoxin fund." Such funds shall be subject to the requisition of the department for the purposes of the preceding section.

b. The bureau of laboratories of the department may also exchange, upon authority and approval of the commissioner, and upon the written approval of the mayor, a portion of its laboratory products for other and different laboratory products, manufactured by the laboratories of the United States government and of other cities and laboratories, which the department may need for the prevention of the spread of disease.

§556-8.0 Appropriation for prevention of communicable diseases.—The board of estimate shall appropriate to the use of the department, for the prevention of dangers from communicable diseases found to exist in any part of the city, or for the care of persons exposed to danger from communicable disease, moneys which shall be raised pursuant to subdivision five of section one hundred seventeen of the charter.

§556-9.0 Publication of reports and statistics.—The department, to promote the public good and public service, may establish reasonable regulations as to the publicity of any of its papers, files, reports, records and proceedings; and may publish such information as, in its opinion, may be useful, concerning births, deaths, marriages, sickness and the general sanitary conditions of the city, or any matter, place or thing therein.

§556-10.0 Repairs of buildings; removal of obstructions; regulation of public markets.—a. The powers of the department shall include the ordering and enforcing in the same manner as other orders are provided to be enforced, the repairs of buildings, houses and other structures; the regulation and control of all public markets in relation to the cleanliness, ventilation and drainage thereof and the prevention of sale or offering for sale of improper articles; the removal of any obstruction, matter or thing in or upon the public streets, sidewalks or places, which, in the opinion of the department, may lead to conditions dangerous to life or health; the prevention of accidents by which life or health may be endangered; and generally the abatement of all nuisances.

b. The department shall possess full power with reference to the ventilation, drainage and cleanliness, of the stands or stalls in or around all markets.

§556-11.0 **Nuisances; abatement without suit.**—The department shall have within the city all common law rights to abate any nuisance without suit, which can or does in this state belong to any person.

§556-12.0 **Right of inspection.**—It is hereby made the duty of all departments, officers, and agents, having the control, charge or custody of any public structure, work, ground, or erection, or of any plan, description, outline, drawing or charts thereof, or relating thereto, made, kept or controlled under any public authority, to permit and facilitate the examination and inspection, and the making of copies of the same by any officer or person, authorized to do so by the department of health.

§556-13.0 **Medical examiners' returns.**—The department, from time to time may make rules and regulations fixing the time of rendering, and defining the form of returns and reports to be made to it by the chief medical examiner, in all cases of death which shall be investigated by him. The chief medical examiner shall conform to such rules and regulations.

§556-14.0 **Removal of bodies.**—a. It shall be the duty of the department upon receiving a certificate of death, made in accordance with its rules, to grant a permit for the removal from the city, of the body of the person described in such certificate if such body has not been buried.

b. It may grant a permit for the removal of the remains of any person interred within the city to a place without the city, on the application of a relative or friend of such person, when there shall appear to be no just objection to the same.

§556-15.0 **Putrid cargoes, et cetera, may be destroyed.**—The department, when it shall judge it necessary, may cause any cargo or part thereof, or any matter or thing, within the city, that may be putrid or otherwise dangerous to the public health, to be destroyed or removed. Such removal, when ordered, shall be to such place as the department shall direct; such removal or destruction shall be made at the expense of the owner or owners of the property so removed or destroyed. Money expended for the same may be recovered from such owner or owners, in an action at law, by the department.

§556-16.0 **Drainage; orders therefor; maps.**—a. Whenever in its opinion the protection of the public health requires the drainage of any lands in the city, by means other than sewers, the department may make an order describing the location of such lands, and directing the proper drainage thereof, and construction of drains therefor, by the president of the borough wherein such drainage is required.

b. The department after making such order, shall cause a map to be made on which shall be shown the location of such proposed drains and the lands required for the construction thereof.

c. The order shall be entered at length in the records of the department and a copy thereof shall be delivered to such borough president.

d. The map shall be filed in the department. A copy thereof shall be filed in the office of the register or county clerk of the county in which the lands are situated; another copy with the copy of the order shall be filed with such borough president, who shall immediately thereafter have the power, and is hereby directed to make and adopt proper and suitable plans for the construction of such drains.

§556-17.0 **Orders for paving, et cetera, yards and cellars; notice.**—An order for the paving, filling, concreting, draining or regulating of any yards or cellars within the city shall be made by the department only upon reasonable notice to the owner or agent thereof.

§556-18.0 **Care and treatment of physically handicapped children.**—a. As used in this section, the following terms shall mean or include:

1. "Physically handicapped child." A person under twenty-one years of age who, by reason of a physical defect or infirmity, whether congenital or acquired by accident, injury or disease, is or may be expected to be totally or partially incapacitated for education or for remunerative occupation.

2. "Legally responsible relatives." The parent or parents of a physically handicapped child or any other person or persons liable under the law for the support of such child.

3. "Legal custodian." The parent or parents of a physically handicapped child having lawful custody of such child, or any other person or persons having lawful custody of such child.

b. Whenever the commissioner shall find, after investigation, that any physically handicapped child is in need of surgical, medical or therapeutic treatment or hospital care or appliances or devices, the commissioner, upon the request or with the consent of the legal custo-

dian of such child, may order such surgical, medical or therapeutic treatment, hospital care or appliances or devices, and after investigation as provided in subdivision c hereof, may order the legally responsible relatives to pay the cost thereof.

c. The commissioner shall investigate the financial responsibility of the legally responsible relatives of such physically handicapped child. If the commissioner shall find, after such investigation, that the legally responsible relatives of such child are able to pay the whole or any part of the cost of such treatment, care or appliances and devices, and if such legally responsible relatives shall fail or refuse to comply with an order of the commissioner requiring them to pay the whole or any part of such cost, he may institute a proceeding in the family court of the domestic relations court of the city of New York, pursuant to the provisions of Section fifty-six-a of the domestic relations court act of the city of New York. Such a proceeding may likewise be instituted in the absence of an order requiring payment, where ability to pay is found.

(Added by Ch. 780, L. 1945.)

§559-1.0 **Judicial notice of seal and presumptions.**—All courts shall take judicial notice of the seal of the department and of the signature of its secretary, chief clerk and assistant chief clerks.

§560-1.0 **Aliens.**—The commissioner may send to such place as he may direct, all aliens and other persons in the city, not residents thereof, who shall be sick of any communicable disease. The expense of the support of such aliens or other persons shall be defrayed by the city, unless such aliens or other persons shall be entitled to support from the commissioner of immigration and naturalization of the United States.

§561-1.0 **Plumbers; commissioner to license.**—The commissioner shall have cognizance and control of the granting, issuing, transferring, renewing, revoking, suspending and canceling of all licenses to engage in the trade, business or calling of duly registered and licensed master plumber. It shall be unlawful for any person to engage in such trade, business or calling within the city without a license therefor. (*Section amended by §67 of Local Law 50 of 1942, in effect October 29, 1943.*)

§561-2.0 **Plumbers' licenses; issuance, suspension, revocation.**—The commissioner shall issue plumbers' license only to those persons who are certified as successful candidates by the municipal civil service commission. He shall issue licenses to all successful candidates, unless the license of any such candidate has been previously revoked or suspended. The commissioner may at any time revoke, suspend or cancel a plumber's license for cause, after notice and hearing to the licensee.

§561-3.0 **Inhalation therapy.**—a. **Definitions.**—Whenever used in this section, the following terms shall mean and include:

1. "Inhalation therapy." The therapeutic use of oxygen, helium, carbon dioxide or other gas or gases for a human being.

2. "Inhalation therapy service." The furnishing of gas and complete inhalation therapy equipment, with or without a technician to administer or operate the same, or the furnishing, with one or more other persons, of such gas and complete equipment, or the furnishing of a supervising technician to operate inhalation therapy equipment.

3. "Purveyor." A person who directly or indirectly engages in the business of supplying inhalation therapy service or who holds himself out, directly or indirectly, or by a sign, stationery, business card, billhead, advertisement or otherwise as being engaged in the business of supplying inhalation therapy service. The term "purveyor" shall not include a hospital or other institution subject to visitation or inspection by the state department of social welfare, pursuant to section twenty-one of the social welfare law, a hospital or other institution operated by the city, or a manufacturer or distributor of gas or inhalation therapy equipment, unless such manufacturer or distributor supplies inhalation therapy service consisting of gas and complete inhalation equipment, with or without, a technician to operate the same, or a technician to operate inhalation therapy equipment.

(Amended August 1, 1947. Local Law 64, 1947.)

4. "Supervising technician." A person who is the technical supervisor or director of the inhalation therapy service of a purveyor and who supervises the technicians who operate the inhalation therapy equipment of such purveyor or for such purveyor.

5. "Technician." A person who operates inhalation therapy equipment of a purveyor or for a purveyor under the supervision of a supervising technician. The term "supervising technician" and "technician" shall not include any person administering any gas (a) for emergency first aid, (b) for emergency resuscitation, (c) in conjunction with or during lawful administration of an anesthetic, (d) in a hospital or other institution subject to visitation or

inspection by the state department of social welfare, pursuant to section twenty-one of the social welfare law, or (e) in a hospital or other institution operated by the city.

b. Purveyor's licenses, supervising technicians' and technicians' certificates of competency.—

1. It shall be unlawful for any person to be a purveyor without a license therefor and it shall be unlawful for any person to be a supervising technician or technician without a certificate of competency therefor.

2. The annual fee for a license to be a purveyor shall be twenty-five dollars. The fee for a certificate to be a supervising technician shall be ten dollars and the annual renewal fee shall be one dollar. The fee for a certificate to be a technician shall be five dollars and the annual renewal fee shall be one dollar.

3. Each purveyor shall cause his license to be conspicuously displayed in his principal place of business. Each supervising technician and each technician, during the performance of his duties as such, shall carry his certificate or renewal certificate on his person and shall display the same on demand.

4. The department shall issue licenses and certificates of competency and renewal thereof pursuant to this section. Each such license, certificate and renewal shall expire on the thirty-first day of December next succeeding the date of issuance thereof.

5. All licenses, certificates of competency and renewals thereof issued pursuant to this section shall be according to an established form and shall be regularly numbered and duly registered.

c. Commissions prohibited.—For the better protection and preservation of the public health, safety and welfare of the city and its inhabitants, it shall be unlawful for any purveyor, supervising technician or technician, directly or indirectly, to pay or give, permit or cause to be paid or given, or offer to pay or give to any person, or for any person, directly or indirectly, to request, receive or accept from any purveyor, supervising technician or technician any sum of money, credit or other valuable consideration as a commission, discount or gratuity for:

1. Recommending or procuring the inhalation therapy service of such purveyor for any other person, or

2. Directing patronage or clientele to such purveyor, or

3. Influencing any person to refrain from using or utilizing the inhalation therapy service or equipment of any other purveyor or person.

The provisions of this subdivision shall be inapplicable to:

1. Compensation paid by a purveyor to his bona fide employees or for bona fide advertising.

2. Trade discounts granted by one purveyor to another purveyor.

d. Operation of equipment.—It shall be unlawful for any purveyor to supply inhalation therapy service or equipment, unless the use thereof is prescribed and supervised by a licensed physician and the operation thereof is controlled by a licensed physician, a supervising technician or a technician. The provisions of this subdivision shall be inapplicable to the use of inhalation therapy in the administration of emergency first aid emergency resuscitation, in conjunction with or during lawful administration of an anesthetic, in a hospital or other institution subject to visitation or inspection by the state department of social welfare pursuant to section twenty-one of the social welfare law or in a hospital or other institution operated by the city.

e. Powers of department.—For the better protection of the health, safety and welfare of the inhabitants of the city, the department shall have power to:

1. Promulgate rules and regulations governing inhalation service or equipment and for the proper enforcement of the provisions of this section.

2. Conduct examinations for and issue certificates of competency to supervising technicians and technicians.

3. Inspect or investigate the inhalation therapy equipment or service of any purveyor.

4. Make and enforce orders with relation to the care, use, operation, testing and repair of inhalation therapy service or equipment.

5. Deny, suspend or revoke a license, certificate of competency or any renewal thereof for failure to comply with the provisions of this section or with any rule, regulation, standard or order prescribed or made by the department with relation to inhalation therapy service or equipment.

f. Violations.—Any violation of the provisions of this section shall be a misdemeanor. (*Section added by Local Law 33 of 1943, in effect sixty days after August 23, 1943.*)

§561-4.0 **Purveyors of certain services regulated.**—a. Whenever used in this section, the following terms shall mean and include:

1. "Purveyor." A person who directly or indirectly engages in the business of supplying a service or services to another person or persons for use or utilization by such other person or persons.

2. "Service" or "services." The sale, rental, supplying or furnishing of:

- (a) Clinical laboratory services or supplies
- (b) X-ray laboratory services or supplies
- (c) Inhalation therapy service or equipment
- (d) Ambulance service
- (e) Sick room supplies
- (f) Physical therapy or equipment
- (g) Orthopedic or surgical appliances or supplies
- (h) Drugs, medication or medical supplies
- (i) Glasses, lenses or other optical supplies or equipment
- (j) Hearing aids or devices
- (k) Any other goods, services, supplies or procedures prescribed or suggested for medical diagnosis, care or treatment.

b. For the better protection and preservation of the public health, safety and welfare of the city and its inhabitants, it shall be unlawful for any purveyor, directly or indirectly, to pay or give, permit or cause to be paid or given, or offer to pay or give to any person, or for any person, directly or indirectly, to request, receive or accept from any purveyor any sum of money, credit or other valuable consideration as a commission, discount or gratuity for:

- 1. Recommending or procuring a service of such purveyor for any other person, or
- 2. Directing patronage or clientele to such purveyor, or
- 3. Influencing any person to refrain from using or utilizing a service of any other purveyor.

c. The provisions of subdivision b of this section shall be inapplicable to:

- 1. Compensation paid by a purveyor to his bona fide employees or bona fide advertising.
- 2. Trade discounts granted by one purveyor to another purveyor.

d. Any violation of the provisions of this section shall be a misdemeanor.

(Section added by Local Law 30 of 1943, in effect August 23, 1943.)

§564-1.0 **The department as party.**—The department may institute and maintain all suits and proceedings which are reasonable, necessary and proper, to carry out the provisions of the laws under which it acts.

§564-2.0 **Proceedings presumed legal; presumption.**—a. The actions, proceedings, authority, and orders of the department shall at all times be regarded as in their nature judicial, and be treated as prima facie just and legal.

b. In any action or proceeding the right of such department or police department to make any order or cause the execution thereof, shall be presumed.

c. All meetings of the board shall in every action and proceeding be taken to have been duly called and regularly held, and all orders and proceedings to have been duly authorized, unless the contrary be proved.

§564-3.0 **Copies of records; authentication.**—Copies of the records of the proceedings of the department or board, of the rules, regulations, by-laws and books and papers, constituting part of their archives and at any time in force in the city, when authenticated by the secretary or secretary pro tempore of the department, shall be presumptive evidence of the facts, statements and recitals therein contained, and the authentication taken as presumptively correct, in any court of justice or judicial proceeding, when they may be relevant to the point or matter in controversy.

§564-4.0 **Order for examination before justice of supreme court.**—a. Any justice of the supreme court of the first or second department, or who is holding court or chambers therein, upon the written application of the commissioner, may issue his order by him subscribed, for the examination without unreasonable delay by or before such justice of any person or persons, and the production of books or papers or the inspection and taking of copies of the whole or parts thereof, at a time and place within the city, and in such order to be named, provided it shall appear to the satisfaction of such justice or court that any matter or point affecting life or health is involved. It shall be the duty of such justice to take or superintend such examination, which shall be under oath, and shall be signed by the party or parties examined and be certified by the justice, and with any copies of books or papers, to be delivered to the department for the use of the department.

b. Such examination, and any proceeding connected therewith, or under such order, may wholly or in part be had, conducted or continued by or before any other of such justices, as well as that one who made the order; and in and about the same, every such justice shall

have as full power and authority to punish for contempt, and enforce obedience to such or other order or direction or that of any other judge respecting the matter as any such justice of the supreme court may now have, or shall possess, to enforce obedience or punish contempt in any case or matter whatsoever. Such application shall name or describe the person or persons whose examination is sought, and so far as possible the books or papers desired to be inspected, and the matter or points affecting life or health as to which the commissioner requests the examination to take place, and the justice shall on the proceedings, decide what questions are pertinent and allowable in respect thereto, and shall require the same to be properly answered; but no answer of any person so examined shall be used in any criminal proceeding. Service of any order of any such justice may be made, and the same proved in the same manner as the service of either an injunction or a subpoena. And it shall be the duty of the justice to facilitate the early determination of the proceedings.

§564-5.0 Appearance and examination of witnesses.—Upon the application of any party in interest in any matter pending examination before the department, by affidavit, stating the grounds of such application, to any judge of a court of record, and asking that any person or persons therein named shall appear before the department, or any person taking or about to take such examination, at some time or times and place to be stated in the affidavit, it shall be the duty of such judge, if he shall discover reasonable cause so to do, to issue his order requiring such person or persons named to appear and submit to such examination as, and to the extent such order may state, at the time and place to be in the order named; and the order, signed by such judge, may be served, and shall in all respects be obeyed as a subpoena duly issued. A refusal to submit to the proper examination may be punished by such judge or by any judge of such court as a contempt of court, upon the facts as to such refusal being brought before any such judge by affidavit.

§564-6.0 Penalties.—a. Every person, corporation, or body that may have wilfully done or omitted any act or thing which is by any law declared to be, or to subject the party guilty thereof to punishment for, a misdemeanor, shall in addition thereto, be subject to a penalty of two hundred fifty dollars, to be sued for and recovered by the department in any civil tribunal in the city.

b. Every person, corporation, or body, that shall violate or not conform to any provisions of the sanitary code, or any rule or sanitary regulation duly made, shall be liable to pay a penalty not exceeding fifty dollars nor less than twenty dollars for each offense, which may be sued for and recovered by and in the name of the department, with costs, before any justice or tribunal in the city having jurisdiction of similar actions. The judge or justice who presided at a trial where such penalty is claimed, on such trial, in writing, shall fix the amount of the penalty to be recovered, and shall direct such amount to be, and it shall be included in the judgment.

§564-7.0 Joinder of defendants.—Any suit instituted by the department for the recovery of a penalty may be against one or more of those who participate in the acts, refusals or omissions complained of, and the recovery may be against one or more of those joined in the action as the justice of the court shall direct.

§564-8.0 Court fees not to be charged.—The department shall not be subject to the payment of any fees to any court, magistrate or clerk for the issuance of any paper or process or for the performance of any duty in suits brought for the recovery of a penalty.

§564-9.0 Costs.—a. If the department, in an action for a penalty, recover judgment in any amount, costs of the court in which the action is brought shall also be recovered without reference to the amount of the recovery, provided payment was demanded before suit brought, and the defendant or defendants against whom recovery is had, did not, as article twenty-one of the civil practice act authorizes, offer to pay an amount equal to the recovery against him or them, except that where the recovery shall be less than fifty dollars, the amount of costs shall be ten dollars.

b. The department shall not be subject to the payment of costs unless the judge or justice, at the conclusion of the trial, shall certify in writing that there was not reasonable cause for bringing the action. In such case the costs shall not exceed ten dollars, unless the amount claimed exceed fifty dollars.

§564-10.0 Jurisdiction; title to real estate.—If the defendant is sought by the pleadings to be charged in an action for the recovery of a penalty on any grounds other than by virtue of ownership of real estate, no court shall lose jurisdiction by reason of the plea that time to such real estate is involved.

§564-11.0 Officers to be peace officers.—Every officer and inspector of the department is hereby declared to be a peace officer and constituted such within the provisions of

section one hundred fifty-four of the code of criminal procedure, and is hereby authorized and empowered, subject to the regulations of the department, to proceed under the provisions of subdivision h of section one hundred sixteen of the inferior criminal courts act of the city of New York in the same manner and with like force and effect as a police officer in respect to procuring, countersigning and serving the summons referred to therein.

§564-12.0 Injunctions against department; undertakings.—a. A preliminary injunction shall be granted against the department or its officers, only by the supreme court at a special term thereof after service of at least five days notice of a motion for such injunction, together with copies of the papers on which the motion for such injunction is to be made.

b. Whenever the department shall seek any provisional remedy or prosecute any appeal, it shall be unnecessary to give any undertaking before obtaining or prosecuting the same.

§564-13.0 Officers and magistrates to act promptly.—It shall be the duty of all prosecuting officers of criminal courts, and city magistrates to act promptly upon all complaints, and in all suits or proceedings for a violation of any health law, and in all proceedings approved or promoted by the department, and to bring the same to a speedy hearing and termination and to render judgment and direct execution therein without delay.

§564-14.0 Service of orders.—a. Service of any order of the department or board shall be deemed sufficient if made:

1. Upon a principal person interested in the business, property, matter or thing, or the nuisance or abuse to which such order relates; or
2. Upon a principal officer charged with a duty in relation thereto; or
3. Upon a person, officer or department, or an officer or employee of such a department, who may be most interested in or affected by its execution.

b. If such order relates to any building or the drainage, sewerage, cleaning, purification or ventilation thereof, or of any lot or ground on or in which such building stands, used for or intended to be rented as the residence or lodging place of several persons or as a multiple dwelling, service of such order on the agent of any person or persons for the renting or for the collecting of rent thereof, or of the parts thereof to which such order may relate, shall be of the same effect and validity as due service made upon the principal of such agent or upon the owners, lessees, tenants or occupants of such buildings, or parts thereof, or of the subject matter to which such order relates.

§564-15.0 Definition of nuisance.—The word “nuisance,” shall be held to embrace public nuisance, as known at common law or in equity jurisprudence; whatever is dangerous to human life or detrimental to health; whatever building or erection, or part or cellar thereof, is overcrowded with occupants, or is not provided with adequate ingress or egress to and from the same or the apartments thereof, or is not sufficiently supported, ventilated, sewered, drained, cleaned or lighted in reference to its intended or actual use; and whatever renders the air or human food or drink, unwholesome. All such nuisances are hereby declared illegal.

§564-16.0 Nuisances; punishment.—A wilful omission or refusal of any individual, corporation or body to forthwith abate any nuisance, as ordered by the department or board, such order having been duly served upon them, shall be a misdemeanor.

§564-17.0 Nuisances; who is liable.—It is hereby declared to be the duty, of which there shall be a joint and several liability, of every owner, part owner, person interested, and every lessee, tenant, and occupant, of or in, any place, water, ground, room, stall, apartment, building, erection, vessel, vehicle, matter and thing in the city, and of every person conducting or interested in business therein or thereat, and of every person who has undertaken to clean any place, ground or street therein, and of every person, public officer and board having charge of any ground, place, building or erection therein, to keep, place and preserve the same and every part, and the sewerage, drainage and ventilation thereof in such condition, and to conduct the same in such manner that it shall not be dangerous or prejudicial to life or health, subject to the sanitary code and orders of the department.

§564-18.0 Dangerous buildings, places and things; declaration as nuisance.—Whenever any building, erection, excavation, premises, business pursuit, matter or thing, or the sewerage, drainage or ventilation thereof, in the city, in the opinion of the board, whether as a whole or in any particular, shall be in a condition or in effect dangerous to life or health, and whenever there shall be growing on any property any ragweed or other species of weed, plant or growth which is noxious or detrimental to the public health, or the seed, pollen or other emanation whereof, when carried through the air or otherwise dispersed, is noxious or detrimental to the public health, the board may take and file among its records what it shall regard as sufficient proof to authorize its declaration that the same, to the extent it may

specify, is a public nuisance, or dangerous to life or health; and may thereupon enter the same in its records as a nuisance, and order the same to be removed, abated, suspended, altered, or otherwise improved or purified, as such order shall specify. The borough presidents are authorized to furnish the department with information in writing as to properties and locations where such noxious weeds and growths may be found.

§2. Section 564-20.0 of such code is hereby amended to read as follows:

§564-20.0 Execution.—If such order is not complied with, or so far complied with as the board may regard as reasonable, within five days after service or attempted service or within any shorter time, which, in case of imminent peril to the public health, the board may have designated, or is not thereafter speedily and fully executed, then such order may be executed as any of the orders of the board or department. Any agency of the city is authorized to act as agent of the department in executing such order. In the event that any agency shall so act, it shall certify and transmit to the department its expenses in the execution of such order separately in respect of each separately owned parcel of property. Such expenses shall be reimbursed to such agency and shall be chargeable and collectible as expenses of the department in connection with the execution of an order as referred to in this chapter.

§3. Section 564-21.0 of such code is hereby amended to read as follows:

§564-21.0 Substituted service; posting; service by publication.—a. If personal service of any such order cannot be made by reason of absence from the district, or inability to find one or more of the owners, occupants, lessees or tenants of the subject matter to which such order relates, or one or more of the persons whose duty it was to have done what is therein required to be done, as the case may render just and proper in the opinion of the board, to be shown by the official certificates of the officer having such order to serve, then service may be made through the mail, or by copy left at the residence or place of business of the person sought to be served, with a person of suitable age and discretion.

b. In any case where personal service of any such order cannot be made for the reasons stated in subdivision *a* of this section and service cannot be made as provided in such subdivision through the mail or by leaving a copy with a person of suitable age and discretion, because of inability to obtain the name or address of the person sought to be served, and such inability to effect service is shown by the official certificate of the officer having such order to serve, service may be made by conspicuously posting a copy of such order upon the property to which it relates. The posting of such order shall be sufficient notice of such order and of the nuisance therein mentioned to all persons having any duty or liability in relation thereto under the provisions of this chapter.

c. Whenever the board shall have declared any condition, matter or thing to be a nuisance, including ragweed or any other species of weed, plant or growth, and has entered the same in its records as a nuisance, the board may also take and file among its records what it shall regard as sufficient proof to authorize a declaration that such nuisance is widespread throughout the city or in any area thereof, and that personal service or service pursuant to subdivisions *a* or *b* of this section of an order or orders requiring the abatement, removal or correction of such nuisance would result in delay prejudicial to the public health, welfare or safety, and upon the filing of such proof and the making of such declaration, the board may order that such nuisance be removed, abated or corrected, as prescribed by the board, by an order addressed generally, without specification of names or addresses, to all persons who, pursuant to the provisions of this chapter, have any duty or liability in relation to any such nuisance which may exist upon or in any real or personal property or place located within the area or areas specified in such order. Such order may be served by publishing the same for a period of not less than three days in the City Record and in a newspaper circulated in the area or areas mentioned in such order. Service of such order shall be complete at the expiration of the third day of such publication and such publication shall be sufficient notice of such order and of the nuisance therein mentioned to all persons having any duty or liability in relation thereto under the provisions of this chapter.

§4. Section 564-37.0 of such code, as added by local law numbered seventeen for the year nineteen hundred forty-two is hereby repealed, but such repeal shall not affect or impair any act done, offense committed or right accruing, accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time such repeal takes effect, but the same may be enjoyed, asserted, enforced, prosecuted or inflicted, as fully and to the same extent as if such repeal had not been effected. All actions and proceedings, civil or criminal, commenced under or by virtue of such section 564-37.0 and pending immediately prior to the taking effect of such repeal, may be prosecuted and defended to final effect in the same manner as they might if such provisions were not so repealed.

(Amended September 17, 1947, Local Law 65, 1947.)

§564-19.0 Stay of execution; modification.—If any party, within three days after service or attempted service of such order upon him and before its execution is commenced,

shall apply to the board, or the chairman thereof, to have such order or its execution stayed or modified, it shall then be the duty of the board to temporarily suspend or modify it at the execution thereof, save in cases of imminent peril to the public health, when the board may exercise extraordinary powers, as specified in section five hundred sixty-three of the charter and to give such party or parties together, as the case in the opinion of such board may require, a reasonable and fair opportunity to be heard before it and to present facts and proofs, according to its rules and directions, against such declaration and the execution of such order, or in favor of its modification, according to the regulation of the board. Such board shall enter in its minutes such facts and proofs as it may receive and its proceedings on such hearing, and any other proof it may take; and thereafter may rescind, modify or reaffirm its declaration and order, and require execution of the original, or of a new or modified order to be made in such form and effect as it may finally determine.

§564-20.0 **Execution.**—If such order is not complied with, or so far complied with as the board may regard as reasonable, within five days after service or attempted service, or within any shorter time, which, in case of imminent peril to the public health, the board may have designated, or is not thereafter speedily and fully executed, then such order may be executed as any of the orders of the board or department.

§564-21.0 **Substituted service.**—If personal service of any such order cannot be made by reason of absence from the district, or inability to find one or more of the owners, occupants, lessees or tenants of the subject matter to which such order relates, or one or more of the persons whose duty it was to have done what is therein required to be done, as the case may render just and proper in the opinion of the board, to be shown by the official certificates of the officer having such order to serve, then service may be made through the mail, or by copy left at the residence or place of business of the person sought to be served, with a person of suitable age and discretion.

§564-22.0 **On what expenses to be a lien.**—The expenses attending the execution of any and all orders duly made by the department shall respectively be a several and joint personal charge against each of the owners or part owners and each of the lessees and occupants of the building, business, place, property, matter or thing to which such order relates, and in respect to which such expenses were incurred; and also against every person or body who was by law or contract bound to do that in regard to such business, place, street, property, matter or thing which such order requires. Such expenses shall also be a lien on all rent and compensation due, or to grow due, for the use of any place, room, building, premises, matter or thing to which such order relates, and in respect of which such expenses were incurred, and also a lien on all compensation due, or to grow due, for the cleaning of any street, place, ground, or thing, or for the cleaning, or removal, of any matter, thing, or place, the failure to do which by the party bound so to do, or doing of the same in whole or in part by order of such department, was the cause or occasion of any such order or expense.

§564-23.0 **Suits for expenses.**—The department, in case it has incurred any expense, or has rendered service for which payment is due, and as the rules of the department may provide, may institute and maintain a suit against any one liable for such expenses, or against any person, firm or corporation, owing or who may owe such rent or compensation, and may recover the expenses so incurred under any such order. One or more of such parties liable or interested may be made parties to such action as the department may elect; but the parties made responsible herein for such expenses shall be liable to contribute or to make payment as between themselves, in respect of such expenses, and of any sum recovered for such expenses or compensation, or by any party paid on account thereof, according to the legal or equitable obligation existing between them.

§564-24.0 **Lien for expenses; notice to be filed.**—a. Such expenses shall be a lien upon the land and buildings upon or in respect to which, or either of which, the work required by such order has been done, or expenses incurred, which lien shall have priority over all other liens and incumbrances, except taxes and assessments. No such lien shall be valid for any purpose until the department shall have caused to be filed in the office, or with the officer where notices of mechanics' liens are required to be filed, a notice containing the same particulars as required to be stated with reference to mechanics' liens, with the further statement that the expense has been incurred in pursuance of an order of the department, and giving its date.

b. Upon such filing such officer shall make the same entry on the book or index in which mechanics' liens are entered as he is required to enter in case of mechanics' liens, together with a reference to such order, by date, and thereafter the same shall, except as herein elsewhere provided, have the same effect in all respects as a mechanic's lien; and all proceedings with reference to such lien, its enforcements and discharge, shall be had and carried on in

the same manner as similar proceedings with reference to mechanics' liens are now, or may be hereafter by law had or carried on.

§564-25.0 Duration of lien; discharge.—The filing of such statement shall as to all persons have the same effect as filing of notice of mechanics' liens; and unless within six months after actual notice of such filing, proceedings are taken by the party against whom or whose property a lien is claimed, to discharge such lien, the filing, as to all persons having such actual notice, shall become conclusive evidence that the amount claimed in such statement, with interest, is due, and is a just lien upon such land and building. Such lien shall continue to be a lien for the space of four years from the time of filing such statement, unless proceedings are in the meantime taken to enforce or discharge the same which may be done at any time during its continuance. In case proceedings are so taken, it shall remain a lien until the final determination of such proceedings; and if such proceedings shall result in a judgment for the amount claimed in such statement, or any portion thereof, such judgment shall, to such extent, be a lien in the same manner, and from the same time as such statement.

§564-26.0 Statement of expenses of executing orders.—a. When the department, through its own officers, and men and means shall have executed, or so far executed as the department may require, any order, an affidavit setting forth the expenses of such execution, itemized generally, and the date thereof shall be filed among the records of the department with the order so executed; and the department shall take care by, or through some proper officer, or otherwise, that the expenses of such execution be so stated with fairness and accuracy.

b. When it shall appear that such execution or the expenses thereof, related to several lots or buildings belonging to different persons, such affidavit shall state what belongs to, or arose in respect to each lot of such several lots or buildings, as the department or its authorized officer may direct; and the department may revise the correctness of such apportionment of expenses as truth and justice may require.

c. Whenever the expenses attending the execution of any order of the department may be made the subject of a suit by it, there may be joined in the same suit a claim or claims for any penalty or penalties for violation of any health provisions, or for the violation or omission to perform or obey such order, or any prior order of the department, or for the not doing of that, or any portion of that, for the doing of which such expenses arose or were incurred; and the proper joint or several judgment may be had against one or more of the defendants in the suit, as they or either of them may be liable in respect of both such claims, or either or any of them.

§564-27.0 Service of order or judgment.—The department may serve a copy of the order under or by reason of which such expenses were authorized or incurred with a copy of the affidavit stating the expenses of the execution of such order, or if the claim be a judgment, may serve a transcript of such judgment, and an affidavit showing the expense of its execution if there be any, upon any person or corporation owing, or who is about to owe any such compensation, or owing or about to owe any rent or compensation for the use or occupation of any grounds, premises or buildings or any part thereof, to which such order or judgment relates, and in respect of which such expenses embraced in such judgment related or were incurred, and may, at the time of such service, demand in writing that such rent, or any such compensation to the extent of such claim for such expenses, or for any such judgment or expenses in executing the same, when such rent or compensation becomes due and payable, be paid to the department.

§564-28.0 Payments to department.—After the service of such papers and such demand, any tenant, lessee, occupant, or other person owing, or about to owe, any such rent or any such compensation when it shall mature, or become payable, shall pay the same, and from time to time pay any other amount thereof, as the same may become due and payable, or so much thereof as is sufficient to satisfy any such judgment or claim for expenses, or both, so served, to the department, and a receipt shall be given therefor, stating on account of what order or judgment and expenses the same has been paid and received; and the amount so received shall be deposited where other funds of the department are kept, to the special account of the department.

§564-29.0 Refusal to pay department.—Any person or corporation refusing or omitting to make such payment to the department after service of such paper and demand, shall be personally liable to the department for the amount that should have been paid to it, and may by the department be sued therefor; and such persons shall not in such suit dispute or call in question the authority of the department to incur, or order such expense or the validity or correctness of such expenses of judgment in any particular, or the right of the department to have the same paid from such rent or compensation.

§564-30.0 Payment to department; effect.—The receipt of the department for any sum so paid, in all suits and proceedings, and for every purpose, shall be as effectual in favor of any person holding the same as actual payment of the amount thereof to the proper landlord, lessor, owner, or other person or persons who would, except for the provisions of section 564-28.0 of the code, and of such demand, have been entitled to receive the sum so paid. No tenant or occupant of any lot, building or premises, shall be dispossessed or disturbed, nor shall any lease or contract, or rights, be forfeited or impaired, nor any forfeiture or liability be incurred by reason of any omission to pay to any landlord, owner, lessor, contractor, party, or other person, the sum so paid to the department, or any part thereof.

§564-31.0 Department to retain moneys till twelve days after notice.—The department shall retain money so paid until twelve days after it shall be made to appear to it or some proper officer thereof, by satisfactory affidavit, that the party or parties, or his or their agent for the collection of any such rent or compensation, who, but for the provisions hereof would have been entitled to receive the same, has had written notice of such payment being made; and if at the end of such twelve days such party or parties, so notified, have not instituted suit to recover such money, then it shall, by the department be paid to the city treasurer.

§564-32.0 Infected and uninhabitable houses; vacation orders.—Whenever it shall be certified to the department by an officer or inspector of the department that any building or any part thereof in the city is infected with communicable disease, or by reason of want of repair has become dangerous to life or is unfit for human habitation because of defects in drainage, plumbing, ventilation, or the construction of the same, or because of the existence of a nuisance on the premises which is likely to cause sickness among its occupants, the department may issue an order requiring all persons therein to vacate such building or part thereof for the reasons to be stated therein. The department shall cause such order to be affixed conspicuously in such building or part thereof and to be personally served on the owner, lessee, agent, occupant, or any person having the charge or care thereof. If the owner, lessee or agent can not be found in the city or does not reside therein, or evades or resists service, then such order may be served by depositing a copy thereof in the post-office in the city, properly enclosed and addressed to such owner, lessee or agent, at his last known place of business and residence, and prepaying the postage thereon; such building or part thereof within ten days after such order shall have been so posted and mailed, or within such shorter time, not less than twenty-four hours, as in such order may be specified, shall be vacated, but the department whenever it shall become satisfied that the danger from such building or part thereof has ceased to exist, or that such building has been repaired so as to be habitable, may revoke such order.

§564-33.0 Proceedings for condemnation.—Whenever any building or part thereof in the city, in the opinion of the department, by reason of:

1. Age, or
2. Defects in drainage, plumbing or ventilation, or
3. Infection with communicable disease, or
4. The existence of a nuisance on the premises, which is likely to cause sickness among its occupants, or among the occupants of other property in such city, or
5. Its stopping ventilation in other buildings, or otherwise making or conducting to make them unfit for human habitation, or dangerous or injurious to health, or
6. Its preventing proper measures from being taken for remedying any nuisance injurious to health, or
7. Other sanitary evils in respect of such other buildings,

is so unfit for human habitation that the evils in, or caused by such building, can not be remedied by repairs or otherwise except by the destruction of such building or a portion thereof, the department having first made an order to vacate such building, if it deem such course just and proper, may condemn the same and order it removed. The department may institute proceedings in the supreme court in the city for the condemnation of such building, provided, however, that the owner or owners of such building may demand that it be surveyed in the manner provided for in case of unsafe buildings.

§564-34.0 Institution of proceedings.—Such proceeding shall be instituted through a petition addressed to such court containing a brief statement of the reasons therefor, and shall not be required to contain further allegations of facts than those which have actuated the department in this proceeding, which shall then be carried on in the manner prescribed for a capital project proceeding by title B of chapter fifteen of the code. The owner of such building or any person interested therein may in his answer dispute the necessity of the destruction of such building or part thereof, as the case may be. In such case, the court

shall not take steps to ascertain the value of the property unless proof is made of the necessity of such destruction.

§564-35.0 Admissible evidence.—In such proceeding, evidence shall be receivable by the court without a jury to prove:

1. That the rental of the building was enhanced by reason of the same being used for illegal purposes, or being so overcrowded as to be dangerous or injurious to the health of the inmates; or
2. That the building is in a state of defective sanitation, or is not in reasonably good repair; or
3. That the building is unfit, and not reasonably capable of being made fit, for human habitation.

§564-36.0 Amount of compensation.—If the court is satisfied by such evidence, then the compensation:

1. Shall in the first case, so far as it is based on rental, be on the rental of the building, as distinct from the ground rent, which would have been obtainable if the building was occupied for legal purposes, and only by the number of persons whom the building, under all circumstances of the case, was fitted to accommodate without such overcrowding as is dangerous or injurious to the health of the inmates; and
2. Shall in the second case be the amount estimated as the value of the building if it had been put into a sanitary condition, or into reasonably good repair, after deducting the estimated expense of putting it into such condition or repair; and
3. Shall in the third case be the value of the materials of the building.

§564-37.0 Noxious weeds and growths; declaration of nuisance; determination of period of danger to public health; notice to remove, destroy and abate weeds and growths.—a. Whenever there shall be growing on any property any ragweed or other species of weed, plant or growth which is noxious or detrimental to the public health, or the seed, pollen or other emanation whereof, when carried through the air or otherwise dispersed, is noxious or detrimental to the public health, the board may take and file upon its records what it shall regard as sufficient proof to authorize a declaration that the existence of any such growth is a nuisance or danger to the public health, and may thereupon enter the same upon its records as a nuisance and order the same to be removed, destroyed or otherwise abated on any property wherever found. The board may also take and file among its records what it shall regard as sufficient proof to authorize a declaration that at any season or period of the year there exists a particular and imminent danger to the public health by reason of the approaching period of pollination of any such growth and may enter such determination upon its records. The borough presidents are authorized to furnish the department with information in writing as to properties and location where such noxious weeds and growths may be found.

b. In addition to the mode of service of any notice or order of the department or board authorized by any other section of this chapter, and during the period or season when a particular and imminent danger to public health arising out of the pollination of such weeds, plants or growth is determined to exist, the department may order the destruction of such weeds, plants or growths and the disposition thereof by posting a copy of such order conspicuously on the property where such noxious weeds, plants or growths are found, requiring the destruction or other disposition thereof as shall be directed by such order. The posting of such order shall be sufficient notice of such order to the owner, lessee, occupant of, or principal person or persons interested in such property of the nuisance created by such weeds, plants or growths.

c. If any such order is not complied with, or so far complied with as the board shall regard as reasonable, within five days after service, or within a shorter time, which, in case of particular and imminent danger to the public health the board may designate, the department may enter upon any such property and remove and destroy any weeds, plants and growths noxious or detrimental to the public health. In removing and destroying such weeds, plants or growths, the department of sanitation is hereby authorized and shall act as agent and a means of the department in effecting such removal, destruction or abatement. In the event that the department of sanitation is so employed, it shall certify and transmit to the department its expense in the execution of the order of the department separately in respect of each separately owned parcel of property. Such expenses shall be reimbursed to the department of sanitation and shall be chargeable and collectible as expenses of the department in connection with the execution of an order as referred to in this chapter.

(This section added by Local Law 17 of 1942, in effect June 4, 1942.)

§566-1.0 Inspection reports; publication.—The department may make and publish a report of the sanitary condition and the result of the inspection of any place, matter

or thing in the city, so far as, in the opinion of the department, such publication may be useful.

§566-2.0 Inspection and removal of articles.—a. An officer or employee of the department shall visit and inspect all stores and places within the city which are suspected of containing putrid or unsound provisions or other articles unfit for human consumption or use or likely to communicate disease to the inhabitants, and make and sign a report in writing stating the stores, places and articles so inspected and the nature, state and situation thereof and his opinion in relation thereto. Such report shall be filed in an office of the department.

b. The department may by order direct the removal, to a place to be designated by it, of all things within the city which, in its opinion are unfit for human consumption or use or which shall be infected in any manner likely to communicate disease to the inhabitants.

c. Failure to comply with the provisions of this section shall constitute a misdemeanor, punishable by a fine of not exceeding two hundred fifty dollars, or imprisonment not exceeding six months, or both.

§567-1.0 Record of births, stillbirths and deaths.—a. The department shall keep a record of the births, stillbirths and deaths filed with it. The births, stillbirths and deaths shall be numbered separately and recorded in the order in which they are respectively received.

b. There shall be no specific statement on the record or report of birth as to whether the child is born in or out of wedlock or as to the marital name or status of the mother.

c. It shall be unlawful to demand or receive any fees by reason of the duties imposed by this section.

§567-2.0 Supplemental birth records.—a. A new birth record shall be made whenever:

1. Proof is submitted to the department that the previously unwed parents of a person have intermarried subsequent to the birth of such person;

2. Notification is received by the department from the clerk of a court of competent jurisdiction or proof is submitted of a judgment, order or decree relating to the parentage or adoption of the person.

b. On every birth record made because of adoption, a notation "by adoption" shall be entered.

c. When a new birth record is made the department shall substitute such new record for the birth record then on file. The department shall place the original birth record and the proof, notification and papers pertaining to the new birth record under seal. Seals shall not be broken except by order of a court of competent jurisdiction. Thereafter when a certified copy of the certificate of birth of such a person is issued, it shall be a copy of the new certificate of birth, except when an order of a court of competent jurisdiction shall require the issuance of a copy of the original certificate of birth.

§567-3.0 Certificate of registration of birth.—Within ten days after the receipt of the report of any birth, the department shall furnish, without charge, to the parents or guardian of the child or to the mother at the address designated by her for the purpose, a certificate of registration of birth. Such certificate of registration shall be issued on forms furnished by the department.

§567-4.0 Certified copies of records of birth, stillbirth, marriage and death; certifications of birth.—a. Upon request, the department shall issue a certified copy of the birth record or a certification of birth under the following conditions:

1. A certified copy of the record of birth shall be issued only upon order of a court of competent jurisdiction or upon a specific request therefor by the person, if of age, or by a parent or other lawful representative of the person to whom the record of birth relates. The department may issue a certified copy of birth record for official use upon the request of a department, agency, or officer of any state government or subdivision thereof or the United States government.

2. Upon request in all other cases, a certification of birth shall be issued by the department unless it does not appear to be necessary or required for a proper purpose. A certification of birth shall contain only the name, sex, date of birth and place of birth of the person to whom it relates and none of the other data on the record of birth.

b. A transcript of a record of stillbirth, marriage or death, upon such forms as the department shall prescribe, shall be issued upon request unless it does not appear to be necessary or required for a proper purpose. The board may prescribe reasonable fees for searches made of records of birth, stillbirth, marriage or death, and the usual fees for copies of

records to be paid for certifications of birth and for transcripts of records of birth, stillbirth, marriage or death, and in what cases the payment of fees may be waived.

c. The United States census bureau may obtain, without expense to the city, transcripts of records of births, stillbirths and deaths without payment of fees here prescribed for use solely as statistical data. Any copy of the record of a birth, stillbirth, marriage or death, or any certificate of registration of birth, or certification of birth, when properly certified by the commissioner or persons authorized to act for him, shall be prima facie evidence of the facts therein stated, in all courts, and places, and in all actions, proceedings or applications, judicial, administrative or otherwise; and any such certificate of registration of birth or certification of birth shall be accepted with the same force and effect with respect to the facts therein stated as the original birth record or a certified copy thereof.

[See the Administrative Code of the City of New York, Chapter 18, entitled "Police Department" for the provisions contained in the following sections:

§434a-17.0 Detail of officers and men to assist department of health.

§435 - 2.0 Police department to cooperate with department of health.

§435 - 5.0 Unnecessary noises prohibited.

§435 - 6.0 Radios, phonographs and other sound devices; regulation, permits.]

APPENDIX (C)

Article 17-B of the

PUBLIC HEALTH LAW OF THE STATE OF NEW YORK

Relating to Certain Contagious (Venereal) Diseases

(Added by Laws of 1918, Ch. 264, and amended by Laws of 1945, Chap. 621,
and last amended by Law of 1946, Ch. 197.)

ARTICLE 17-B

REGULATION OF CERTAIN CONTAGIOUS DISEASES

- Section 343-gg. Examination or quarantine of person suspected of Venereal Diseases.
 343-hh. Persons under arrest.
 343-ii. Treatment or quarantine required.
 343-jj. Provision of treatment facilities.
 343-kk. Treatment only by physicians or on their prescriptions.
 343-ll. Reports and information confidential.
 343-mm. Penalties.
 343-nn. Person knowing himself to be infected with venereal disease.
 343-oo. Definitions.

§343-gg. Examination or quarantine of persons suspected of venereal disease.

Whenever a health officer to whom cases of venereal diseases are required to be reported shall have reasonable ground to believe that any person within his jurisdiction is infected with any venereal disease, such health officer may cause a medical examination to be made for the purpose of ascertaining whether such person is in fact infected with such disease in a stage which is or may become communicable. Every such person shall submit to such examination and permit such specimens of blood or bodily discharges, or both, to be taken for laboratory examination as may be necessary to establish the presence or absence of such disease, or, upon refusal so to do, such person shall be quarantined by such health officer. Any person so examined may be quarantined until the results of such examinations are known. The required examination may be made by the health officer or by a physician selected by him, or, at the option of the person to be examined, by a licensed physician who, in the opinion of such health officer, is qualified to make such medical examinations and is approved by him. The physician making such examination shall promptly report thereon to such health officer, but shall not issue a certificate of freedom from venereal disease to or for the person examined.

Upon the refusal of any suspected person to submit to the required examination or to permit specimens of blood or bodily discharges to be taken for laboratory examination, or to comply with the restrictions imposed by quarantine, the health officer may apply to a justice of the supreme court or, if the suspected person resides or is sojourning in a county outside of the city of New York, to the county judge of such county or, if the suspected person resides or is sojourning in the city of New York, to a city magistrate of such city for an order compelling compliance. The justice, judge or magistrate to whom application for such an order is made, may, upon good cause shown, require the suspected person to appear before him at chambers forthwith, or upon such notice as he shall direct, to show cause why the order should not be granted, and if after hearing the justice, judge or magistrate shall determine that the suspected person may constitute a source of infection to others, the justice, judge or magistrate may direct by order, that the suspected person shall submit to such examination and permit such specimens of blood or bodily discharges to be taken for laboratory examination, or shall comply with the restrictions imposed by quarantine. All papers pertaining to any proceeding for such an order compelling compliance shall, if placed on file as court records or otherwise, be sealed and withheld from inspection; and no person shall be allowed access thereto except upon an order of a justice of the supreme court or a judge or magistrate of the court wherein the proceeding was had. No order for access and inspection shall be granted except on due notice to the person named therein as the suspected person and on good cause shown.

§343-hh. Persons under arrest. Every person arrested for vagrancy as defined under subdivisions three or four of section eight hundred and eighty-seven of the code of

criminal procedure or under section one hundred and fifty of the tenement house law or under any statute or ordinance for any offense of the nature specified in subdivision four of section eight hundred and eighty-seven of the code of criminal procedure, or arrested charged with a violation of section one thousand one hundred and forty-six or one thousand one hundred and forty-eight of the penal law, or arrested for failure to comply with the order of a judge or justice issued pursuant to the provisions of section three hundred forty-three-gg of this chapter, or any person arrested for frequenting disorderly houses or houses of prostitution, shall be reported within twenty-four hours by the court or magistrate before whom such person is arraigned to the board of health or health officer of the health district in which the alleged offense occurred, and shall be examined in accordance with the provisions of the preceding section. For purpose of examination and diagnosis as provided in the preceding section, such person may be detained until the results of such examination are known. No such person if convicted shall be released from the jurisdiction of such court or magistrate until the person so convicted has been examined as provided for in the preceding section.

§343-ii. Treatment or quarantine required. The health officer to whom cases of venereal diseases are required to be reported may require any person within his jurisdiction who is found to be infected with any venereal disease in a stage which is or may become communicable to submit to such treatment or quarantine, or both, as may be necessary to terminate such communicable state. Such health officer shall define the place and limits of the area within which such person shall be quarantined, and the conditions under which such treatment or quarantine, or both, as the case may be, shall be terminated.

§343-jj. Provision of treatment facilities. It shall be the responsibility of each board of health of a health district to provide adequate facilities for the free diagnosis and treatment of persons living within its jurisdiction who are infected or suspected of being infected with venereal disease. The health officer of said health district shall administer these facilities and shall promptly examine or arrange for the examination of persons suspected of being infected with venereal disease, and shall promptly institute treatment or arrange for the treatment of those found or otherwise known to be infected with a venereal disease, provided that any person may, at his option, be treated at his own expense by a licensed physician of his choice. The facilities provided by the board of health and the administration of these facilities by the health officer shall fulfill the requirements of the state commissioner of health.

§343-kk. Treatment only by physicians or on their prescriptions. No person, other than a licensed physician, shall treat or prescribe for a case of venereal disease, or dispense or sell a drug, medicine or remedy for the treatment of such a disease except on prescription of a duly licensed physician. Such prescription shall be retained by the person dispensing or selling such drug, medicine or remedy, and no copy of such prescription shall be made by or delivered to any person, and such prescription shall be filled but once.

§343-ll. Reports and information confidential. All reports or information secured by a board of health or health officer under the provisions of this article shall be absolutely confidential except in so far as is necessary to carry out the purposes of the article.

§343-mm. Penalties. Any person who shall violate any of the provisions of this article or any rule or regulation made and approved under the provisions of section three hundred and forty-three-ii shall be guilty of a misdemeanor.

§343-nn. Person, knowing himself to be infected with venereal disease. Any person who, knowing himself or herself to be infected with venereal disease, has sexual intercourse with another shall be guilty of a misdemeanor. (*Amended by L. 1946, Ch. 197; effective March 22, 1946.*)

§343-oo. Definitions. The term "health district" as used in this article shall mean a county health district, city, town, village or consolidated health district having a separate board of health.

The term "health officer" as used in this article shall mean a county health officer, a county commissioner of health, a city health officer, a town health officer, a village health officer, the health officer of a consolidated health district or a district state health officer.

APPENDIX (D)

***Section 16 of the
PUBLIC HEALTH LAW OF THE STATE OF NEW YORK
Relating to Serological Blood Tests for Syphilis of Pregnant Women**
(Added by L. 1938, Ch. 133, in effect March 18, 1938)

§16. Serological blood test for syphilis of pregnant women. Every physician attending pregnant women in the state during gestation shall in the case of every woman so attended take or cause to be taken a sample of blood of such woman at the time of first examination, and submit such sample to an approved laboratory for a standard serological test for syphilis. Every other person permitted by law to attend upon pregnant women in the state but not permitted by law to take blood tests, shall cause a sample of the blood of such pregnant woman to be taken by a duly licensed physician and submitted to an approved laboratory for a standard serological test for syphilis. The term "approved laboratory" means a laboratory approved for this purpose by the state department of health, or in the city of New York by the department of health of such city. A standard serological test for syphilis is one recognized as such by the state department of health or in the city of New York by the New York city department of health.

*Renumbered Section 16, Chap. 186, Laws of 1946.

APPENDIX (E)

Sections 13 to 15-b inclusive of the DOMESTIC RELATIONS LAW OF THE STATE OF NEW YORK

Relating to Serological Blood Tests for Licensing and Solemnization of Marriages

§13. Marriage licenses. It shall be necessary for all persons intending to be married in New York state to obtain a marriage license from a town or city clerk in New York state and to deliver said license, within sixty days, to the clergyman or magistrate who is to officiate before the marriage ceremony may be performed. If either party to the marriage resides upon an island located not less than twenty-five miles from the office or residence of the town clerk of the town of which such island is a part, and if such office or residence is not on such island such license may be obtained from any justice of the peace residing on such island, and such justice, in respect to powers and duties relating to marriage licenses, shall be subject to the provisions of this article governing town clerks and shall file all statements or affidavits received by him while acting under the provisions of this section with the town clerk of such town. (*As amended by Ch. 414 L. 1943, effective 30 days after April 13, 1943.*)

§13-a. Physician's examination and serological test of applicant for marriage license. 1. Except as herein otherwise provided, no application for a marriage license shall be accepted by the town or city clerk unless accompanied by or unless there shall have been filed with him a statement or statements signed by a duly licensed physician or by a commissioned medical officer of the army, navy or public health service of the United States that each applicant has been given such examination, including a standard serological test, as may be necessary for the discovery of syphilis, made on a day specified in the statement, which shall be not more than the thirtieth day prior to that on which the license is applied for, and that in the opinion of the physician the person therein named is not infected with syphilis in a communicable stage. (*Subd. 1 amended by Ch. 414, L. 1943, effective 30 days after April 13, 1943.*)

2. Because of emergency or other cause shown by affidavit or other proof, a justice of the supreme court or the county judge of the county in which the woman resides, or, if such woman is between fourteen and sixteen years of age, the judge of the children's court of such county, if satisfied that the public health and welfare will not be injuriously affected thereby, may make an order, in his discretion, on joint application of both of the parties desiring the marriage license, dispensing with the requirements of subdivision one of this section as to either or both of the parties, including the laboratory statement specified below, or, the statement or statements provided for by such subdivision having been filed, extending the thirty-day period following the examination and test to not later than a day specified, which, however, shall be not more than ninety days after the examination and test. The order shall be accompanied by a memorandum in writing of the judge or justice reciting his reasons for granting the order. Application for such extension may be made before, on or after the expiration of such thirty-day period. The order, and the accompanying memorandum, shall be filed with the town or city clerk, and he then shall accept and consider application for the marriage license without the production or filing of any of the physicians' statements dispensed with by the order, or shall accept and consider the application within any such extended period, as the case may be. The clerk shall hold such memorandum of a judge or justice in absolute confidence.

3. Each physician's statement shall include the name and address of the applicant, a statement that a serological test for syphilis was performed, the date upon which the specimen was taken and the name and location of the laboratory in which such test was made. The result of the serological test shall not be included in such statement. The applicant shall sign his or her name on this form. Upon a separate form a detailed report of the laboratory test, showing the result of the test, shall be transmitted by the laboratory to the physician, and a copy of this report when positive shall be submitted to the district state health officer, or, in a city of over fifty-thousand population, or in a county health district, to the department of health of such city, or county as the case may be, and it shall be held in absolute confidence and shall not be open to public inspection; provided that it shall be produced for evidence at a trial or proceeding in a court of competent jurisdiction, involving issues in which it may be material and relevant, on an order of a justice or judge of such court requiring its production. (*Subd. 3 amended by Ch. 414, L. 1943, effective 30 days after April 13, 1943.*)

4. A standard serological test shall be a laboratory test for syphilis approved by the state commissioner of health and shall be performed by the state department of health, or in the city of New York by the department of health of such city, or at a laboratory approved for this purpose by the state department of health or, in the city of New York, by the department of health of such city.

• 5. Any applicant for marriage license, any physician or any representative of a laboratory who shall misrepresent any of the facts called for by the physician's statement and the laboratory report or statement, or any licensing officer who shall have reason to believe that any of the facts have been misrepresented and shall nevertheless issue a marriage license, or any district state health officer or his employee or any employee or official of a department of health who shall not hold the laboratory record confidential, except as provided in subdivision three hereof with respect to its production for evidence on order of a justice or judge, or any town or city clerk or his deputy or employee who shall not hold in strictest confidence the statement filed with him as to the reasons for the granting of an order under subdivision two, shall be guilty of a misdemeanor and punishable accordingly. The provisions of section twenty-two of this chapter shall not apply to the punishment for offenses specified in this subdivision.

6. Nothing in this section shall impair or affect existing laws, or rules, regulations or codes made by authority of law, relative to the reporting of cases of syphilis discovered by physicians.

7. This section shall not apply to either the man or woman, when the woman is pregnant at the time of application for the marriage license.

8. Nothing in this section shall prevent a couple already legally married from applying for and receiving a marriage license for the purpose of a second or subsequent ceremony. If requested by either party applying for such a license, the town or city clerk shall keep the contents of the application and the license issued thereunder confidential and the record of the marriage thereof shall not be open for public inspection. In case such a couple does apply for a marriage license for an additional ceremony, the provisions of this section requiring serological test and the related statement of a physician or medical officer and the provisions of section thirteen-b shall not apply and shall be disregarded by the city or town clerk. Sections thirteen and fifteen, however, shall apply to the issuance of such a license, except that such clerk shall note on the license issued by him the following: "This license is to be used only for the purpose of a second or subsequent marriage ceremony."

§13-b. Time within which marriage may be solemnized. A marriage shall not be solemnized within three days from the date on which the specimen was taken for the serological test of the contracting parties provided for by section thirteen-a of this chapter prior to the issuance of the marriage license, and not until twenty-four hours after the issuance of the marriage license, or, if such examination and test shall be dispensed with by order of a judge or justice or shall not be required pursuant to such section, within three days from the date of issuance of the marriage license therefor, unless authorized by an order of a court of record as hereinafter provided, nor shall it be solemnized after sixty days from the date of the issuance of the marriage licenses. Every license to marry hereafter issued by a town or city clerk, in addition to other requirements specified by this chapter, must contain a statement of the day and the hour the license is issued and the period during which the marriage may be solemnized. It shall be the duty of the clergyman or magistrate performing the marriage ceremony, or if the marriage is solemnized by written contract, of the judge before whom the contract is acknowledged, to annex to or endorse upon the marriage license the date and hour the marriage is solemnized. A judge or justice of the supreme court of this state or the county judge of the county in which the woman to be married resides, or if such woman is between fourteen and sixteen years of age, the judge of the children's court of such county, if it shall appear from an examination of the license and any other proofs submitted by the parties that one of the parties is in danger of imminent death, or by reason of other emergency public interest will be promoted thereby, or that such delay will work irreparable injury or great hardship upon the contracting parties, or one of them, may make an order authorizing the immediate solemnization of the marriage and upon filing such order with the clergyman or magistrate performing the marriage ceremony, or, if the marriage is to be solemnized by written contract, with the judge before whom the contract is acknowledged, such clergyman or magistrate may solemnize such marriage, or such judge may take such acknowledgment as the case may be, without waiting for such three day period and twenty-four hour period, or either one of them to elapse. The clergyman, magistrate or judge must file such order with the town or city clerk who issued the license within five days after the marriage is solemnized. Such town or city clerk must record and index the order in the book required to be kept by him for recording affidavits, statements, consents and licenses, and when so recorded the order shall become a public record and available in any prosecution under this section. A person who shall solemnize a marriage in violation of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of fifty dollars for

each offense, and in addition thereto, his right to solemnize a marriage shall be suspended for ninety days.

§14. Town and city clerks to issue marriage licenses; form. The town or city clerk of each and every town or city in this state is hereby empowered to issue marriage licenses to any parties applying for the same who may be entitled under the laws of this state to apply therefor and to contract matrimony, authorizing the marriage of such parties, which license shall be substantially in the following form:

State of New York,
County of.....
City or town of.....

Know all men by this certificate that any person authorized by law to perform marriage ceremonies within the state of New York to whom this may come, he, not knowing any lawful impediment thereto, is hereby authorized and empowered to solemnize the rites of matrimony between.....of.....in the county of.....and state of New York and.....of.....in the county of.....and state of New York and to certify the same to be said parties or either of them under his hand and seal in his ministerial or official capacity and thereupon he is required to return his certificate in the form hereto annexed. The statements endorsed hereon or annexed thereto, by me subscribed, contain a full and true abstract of all of the facts concerning such parties disclosed by their affidavits or verified statements presented to me upon the application for this license.

In testimony whereof, I have hereunto set my hand and affixed the seal of said town or city at.....this.....day of.....nineteen....., at.....m. Seal.

The form of the certificate annexed to said license and therein referred to shall be as follows:

I, a, residing at.....in the county of.....and state of New York do hereby certify that I did on this.....day of.....in the year A.D., nineteen.....at.....m., at.....in the county of.....and state of New York, solemnize the rites of matrimony between.....of.....in the county of.....and state of New York, and.....of.....in the county of.....and state of New York in the presence of.....and.....as witness, and the license therefor is hereto annexed.

Witness my hand.....in the county of.....this.....day of.....A.D., nineteen.....

In the presence of

There shall be endorsed upon the license or annexed thereto at the end thereof, subscribed by the clerk, an abstract of the facts concerning the parties as disclosed in their affidavits or verified statements at the time of the application for the license made in conformity to the provisions of section fifteen of this chapter, together with a statement, so subscribed, that such application was accompanied by papers complying with the applicable requirements of section thirteen-a of this chapter, relative to examination and health of the parties, or, if such compliance was dispensed with, wholly or partly, by order of a judge or justice, a statement to that effect.

There shall also be stated upon the license the exact period during which the marriage may be solemnized.

The license issued, including the abstract of facts, and the certificate duly signed by the person who shall have solemnized the marriage therein authorized, shall be returned by him, and where the marriage is solemnized by a written contract, the judge before whom acknowledgment is made shall also forward such contract to the office of the town or city clerk who issued the license within five days succeeding the date of the solemnizing of the marriage therein authorized and any person or persons who shall wilfully neglect to make such return within the time above required shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars or more than fifty dollars for each and every offense.

§15. Duty of town and city clerks. It shall be the duty of the town or city clerk when an application for a marriage license is made to him to require each of the contracting parties to sign and verify a statement or affidavit before such clerk or one of his deputies, containing the following information. From the groom: Full name of husband, color, place of residence, age, occupation, place of birth, name of father, country of birth, maiden name of mother, country of birth, number of marriage. From the bride: Full name of bride, place of residence, color, age, occupation, place of birth, name of father, country of birth, maiden name of mother, country of birth, number of marriage.

The said clerk shall also embody in the statement if either or both of the applicants have been previously married, a statement as to whether the former husband or husbands or the former wife or wives of the respective applicants are living or dead and as to whether either or both of said applicants are divorced persons, if so, when and where and against whom the divorce or divorces were granted and shall also embody therein a statement that no legal impediment exists as to the right of each of the applicants to enter into the marriage state. The town or city clerk is hereby given full power and authority to administer oaths and may require the applicants to produce witnesses to identify them or either of them and may examine under oath or otherwise other witnesses as to any material inquiry pertaining to the issuing of the license, and if the applicant is a divorced person the clerk may also require the production of a certified copy of the decree of the divorce, or proof of an existing marriage of parties who apply for a license to be used for a second or subsequent ceremony; provided, however, that in cities of the first class the verified statements and affidavits may be made before any regular clerk of the city clerk's office designated for that purpose by the city clerk.

If it appears from the affidavits and statements so taken, that the persons for whose marriage the license in question is demanded are legally competent to marry, the said clerk shall issue such license except in the following cases: If it shall appear upon an application that the applicant is under twenty-one years of age, before the town or city clerk shall issue a license, he shall require documentary proof of age in the form of an original or certified copy of a birth record, a certification of birth issued by the state department of health, a local registrar of vital statistics or other public officer charged with similar duties by the laws of any other state, territory or country, a baptismal record, passport, automobile driver's license, life insurance policy, employment certificate, school record, immigration record, naturalization record or court record, showing the date of birth of such minor. If the town or city clerk shall be in doubt as to whether an applicant claiming to be over twenty-one years of age is actually over twenty-one years of age, he shall, before issuing such license, require documentary proof as above defined. If it shall appear upon an application of the applicants as provided in this section or upon information required by the clerk that the man is under twenty-one years of age and is not under sixteen years of age, or that the woman is under the age of eighteen years and is not under fourteen years of age, then the town or city clerk before he shall issue a license shall require the written consent to the marriage from both parents of the minor or minors or such as shall then be living, or if the parents of both are dead, then the written consent of the guardian or guardians of such minor or minors. If one of the parents has been missing and has not been seen or heard from for a period of one year preceding the time of the application for the license, although diligent inquiry has been made to learn the whereabouts of such parent, the town or city clerk may issue a license to such minor upon the sworn statement and consent of the other parent. If the marriage of the parents of such minor has been dissolved by decree of divorce or annulment, the consent of the parent to whom the court which granted the decree has awarded the custody of such minor shall be sufficient. If there is no parent or guardian of the minor or minors living to their knowledge then the town or city clerk shall require the written consent to the marriage of the person under whose care or government the minor or minors may be before a license shall be issued. The parents, guardians, or other persons whose consent it shall be necessary to obtain before the license shall issue, shall personally appear and acknowledge or execute the same before the town or city clerk, or some other officer authorized to administer oaths and take acknowledgments provided that where such affidavit or acknowledgment is made before an official other than the town or city clerk, the consent with a certificate attached showing the authority of the officer to take acknowledgments must be duly filed with the town or city clerk.

If it shall appear upon an application for a marriage license that the woman is under the age of sixteen years and is not under fourteen years of age, the town or city clerk shall require, in addition to the consents provided in this section, the written approval and consent of a judge of the children's court, having jurisdiction over the town or city in which the application is made, to be attached to or endorsed upon the application, before the license is issued. The application for such approval and consent shall be heard by the judge at chambers. All papers and records pertaining to any such application shall be sealed by him and withheld from inspection, except by order of a court of competent jurisdiction. Before issuing any licenses herein provided for, the town or city clerk shall be entitled to a fee of two dollars, which sum shall be paid by the applicants before or at the time the license is issued. Any town or city clerk who shall issue a license to marry any persons one or both of whom shall

not be at the time of the marriage under such license legally competent to marry without first requiring the parties to such marriage to make such affidavits and statements or who shall not require the production of documentary proof of age or the procuring of the approval and consents provided for by this article, which shall show that the parties authorized by said license to be married are legally competent to marry, shall be guilty of a misdemeanor and on conviction thereof shall be fined in the sum of one hundred dollars for each and every offense. On or before the fifteenth day of each month, each town and city clerk, except in the city of New York, shall transmit to the state commissioner of health fifty cents of the amount received for each fee collected, which shall be paid into the state treasury as provided by section thirty-seven of the state finance law. In any city the balance of all fees collected for the issuing of a marriage license, or for solemnizing a marriage, so far as collected for services rendered by any officer or employee of such city, shall be paid monthly into the city treasury and may by ordinance be credited to any fund therein designated, and said ordinance, when duly enacted, shall have the force of law in such city. Notwithstanding any other provisions of the article the clerk of any city with the approval of the governing body of such city is hereby authorized to designate in writing filed in the city clerk's office, a deputy clerk, if any, and/or other city employees in such office to receive applications for, examine applications, investigate and issue marriage licenses in the absence or inability of the clerk of said city to act, and said deputy and/or employees so designated is hereby vested with all the powers and duties of said city clerk relative thereto. Such deputy and/or employees shall perform said duties without additional compensation.

§15-b. Temporary provisions authorizing issuance of marriage license, upon court order, without consent of a parent in armed forces of United States, merchant marine and allied forces, and absent from the United States.

Notwithstanding the provisions of section fifteen of this chapter or any other provision of law, the written consent of a parent of a minor to the marriage of such minor may be dispensed with by order of a judge or justice of the supreme court of this state or the county judge of the county in which the minor resides or, in case the minor be a woman between fourteen and sixteen years of age, of such a justice of the supreme court or the county judge or judge of the children's court of the county in which such woman resides, upon proof satisfactory to such judge or justice that it is impracticable to require such consent because such parent is a member of the armed force of the United States, merchant marine and allied forces, and is absent from the United States, and any such judge or justice is hereby authorized to make such an order if satisfied of the existence of such circumstances and that the public interest will not be injuriously affected by dispensing with such consent; provided, however, that no such order shall be granted except upon application therefor both by the minor whose parent is so absent and by the other parent, or if the other parent be dead or his or her consent to such marriage be unnecessary for any reason, then by the person under whose care or government the minor may be. Upon the filing of such an order with the town or city clerk, he shall issue the license without the written consent of the parent whose consent is ordered dispensed with therein, provided all the other provisions of this chapter in connection with the issuance of the license are complied with. The provisions of this section shall remain in force and effect only until July first, nineteen hundred forty-seven. (*Added by Ch. 295 L. 1943, effective April 5, 1943; amended by Ch. 195 L. 1945, Ch. 382 L. 1946. Duration of this section was not extended by the 1947 Legislature.*)

APPENDIX (F)

Article 12 of the LABOR LAW OF THE STATE OF NEW YORK Relating to Bakeries and Confectioneries

ARTICLE 12

BAKERIES AND MANUFACTURE OF FOOD PRODUCTS*

- Section 330. Definitions.
331. Building requirements.
332. Maintenance and operation.
333. Employment of diseased bakers prohibited.
334. Owners and occupiers; respective duties.
335. Manufacture of other food products.
336. Provision for sealing up bakeries.
337. Sanitary certificates.
338. Cellar bakeries.
339. Enforcement of article.

§330. **Definitions.**—Whenever used in this chapter:

1. "Bakery" means a building, room, or place used for making, preparing or baking bread, biscuits, pastry, cakes, doughnuts, cruellers, noodles, macaroni or spaghetti to be sold or consumed on or off the premises, except kitchens in hotels, restaurants, boarding houses and private residences, wherein all such products are consumed exclusively on the premises; and with respect to the provisions of this chapter relating to machinery, safety devices and sanitary conditions includes hotel bakeries. A bakery is a factory within the meaning of this chapter.

2. "Cellar" means a room or part of a building which is more than one-half its height below the level of the curb or ground adjoining the building, excluding areaways.

3. "Owner" means the owner of the premises, the lessee of the whole thereof, or the agent in charge.

4. "Occupier" means the person in possession of the premises and conducting the bakery therein.

§331. **Building requirements.**—1. A bakery shall have proper and sufficient drains, sinks, clean running water, and properly ventilated waterclosets. The waterclosets shall be apart from and shall not open directly into the bake-room or rooms where the raw material or manufactured product thereof is stored or sold.

2. A bakery shall have adequate windows and, if required by the rules of the board, hoods and pipes or other means for ventilating ovens and ashpits.

3. A bakery shall be at least eight feet in height measured from the surface of the finished floor to the underside of the ceiling, except that any cellar or basement of less height which was used for a bakery on the second day of May, eighteen hundred and ninety-five, need not conform to this provision.

4. The flooring shall be of smooth even cement, or tiles laid in cement, or wood, and shall be free from crevices and holes. The side walls and ceilings shall be either plastered, ceiled or wainscoted.

§332. **Maintenance and operation.**—1. Every part of a bakery, its equipment, plumbing, and the yards and areaways adjoining, shall be kept in good repair, in sanitary condition and free from vermin. All furniture, troughs and utensils shall be so constructed and arranged as not to prevent cleaning them or any part of the bakery. All interior wood-work, walls and ceilings shall be painted or lime-washed once every three months, where so required by the commissioner.

2. Sanitary receptacles shall be used for coal, ashes, refuse and garbage. The contents of the receptacles for refuse and garbage shall be removed daily. Mechanical means of

* See Section 59 Multiple Dwelling Law for bakeries in multiple dwellings.

ventilation, when provided, shall be effectively used and operated. Windows, doors and other openings shall be properly screened. Lockers shall be provided for the street clothes of employees.

3. No person shall use or be permitted to use tobacco in any form in a bakery or room where the raw material or manufactured product of the bakery is stored or sold.

4. No person shall sleep or be permitted to sleep and no domestic animals, except cats, and no birds, shall be allowed to remain in a bakery or room where the raw material or manufactured product of the bakery is stored or sold.

5. Every person while engaged in the manufacture and handling of bakery products shall wear a clean suit and clean shoes or slippers. The suit shall be of washable material and used for that work only.

§333. **Employment of diseased bakers prohibited.**—No person who has a communicable disease shall work or be permitted to work in a bakery. Whenever required by a medical inspector of the department, a person working in a bakery shall submit to a physical examination by such inspector. No person who refuses to submit to such examination shall work or be permitted to work in a bakery.

§334. **Owners and occupiers; respective duties.**—The owner shall comply with section three hundred and thirty-one, and the occupier with sections three hundred and thirty-two and three hundred and thirty-three, unless by a lease the other party thereto has agreed to comply with any provision of such sections and duplicate original of such lease has been previously filed with the commissioner, in which event the party assuming responsibility shall be liable for compliance.

§335. **Manufacture of other food products.**—1. Every factory wherein a food product is manufactured shall be kept in a sanitary condition and properly lighted and ventilated and the food product prepared therein protected from contamination.

2. Every basement or cellar used as a confectionery or ice cream manufacturing shop shall be not less than seven feet high measured from the surface of the finished floor to the under side of the ceiling, except that any cellar or basement which is more than six feet high and was so used before October first, nineteen hundred and six, need not conform to this section. The board may apply any or all of the provisions of this article to a factory located in a cellar wherein any food product is manufactured.

§336. **Provision for sealing up bakeries.**—If the commissioner finds a bakery or any part thereof to be unsanitary, he may on forty-eight hours' notice in writing, to be served by affixing the notice on the inside of the main entrance door of the bakery, order the person found in charge thereof to cease operating it until it shall be properly cleaned, drained and ventilated. If such order is not complied with, the commissioner may upon filing in his office a written order stating the reasons therefor and without further notice fasten up and seal the oven or other cooking apparatus of the bakery and affix to all materials and equipment labels or conspicuous signs bearing the word "unclean." Such seal, labels and signs shall be removed only by the commissioner and not until the bakery is in a sanitary condition.

§337. **Sanitary certificates.**—1. No person shall establish or operate a bakery without a sanitary certificate. The certificate shall be kept posted in a conspicuous place in the bakery.

2. The person establishing or operating the bakery shall apply to the commissioner for a certificate within ten days after the bakery commences business. The application shall be made upon a blank furnished by the commissioner. No bakery shall operate for more than thirty days after commencing business without a certificate.

3. Before issuing a certificate the commissioner shall inspect the bakery. If it conforms to articles eleven and twelve of this chapter and the rules of the board, the commissioner shall issue a sanitary certificate for a period of one year and renewable annually upon inspection showing compliance with the aforesaid provisions and rules, except that in the city of New York such sanitary certificate shall be operative until revoked or suspended after hearing.

4. The certificate may be revoked or suspended by the commissioner if the health of the community or of the employees of the bakery requires such action, or if an order of the commissioner is not complied with within fifteen days after the service thereof upon the person charged with the duty of compliance. Nothing contained in this subdivision shall limit the power of the commissioner to seal up an unsanitary bakery under the preceding section.

5. If an application for a certificate is denied or if a certificate is revoked or suspended, the commissioner shall file in his office the reasons for his action.

6. If a bakery has no certificate or if the certificate has been revoked or suspended, the commissioner may upon filing an order stating the reasons therefor, without further notice, fasten up and seal the oven or other cooking apparatus of said bakery. Such seal shall be removed only by the commissioner and not until a certificate for the bakery has been issued.

§338. **Cellar bakeries.**—1. No bakery shall be located in a cellar which does not conform to all the provisions of this section, unless a certificate of exemption has been issued to the owner (a) upon satisfactory proof furnished the commissioner on or before November ninth, nineteen hundred and thirteen, showing that it was operated as a bakery on May ninth, nineteen hundred and twelve, or (b) upon satisfactory proof furnished the commissioner on or before the twenty-eighth day of February, nineteen hundred and fourteen, that it was in course of construction on the ninth day of May, nineteen hundred and thirteen, or that construction was commenced after the first day of January, nineteen hundred and thirteen, and completed on or before the ninth day of May, nineteen hundred and thirteen, and operated prior to the first day of January, nineteen hundred and fourteen.

2. The bakery shall be at least ten feet high, measured from the surface of the finished floor to the under side of the ceiling. If the bakery is located entirely in the front part of the building, its ceiling shall be not less than four feet and six inches above the curb level of the street in front of the building; if located entirely in the rear part of the building or extending from front to rear, the ceiling shall be not less than one foot above the curb level of the street in front of the building and the bakery shall open upon a yard or courts extending at least six inches below the floor level of the bakery.

3. The bakery shall be constructed according to plans and specifications approved by the commissioner and shall be adequately lighted and ventilated.

4. This section shall not prevent the health department in cities of the first class from exercising any power of regulation now or hereafter vested in them.

§339. **Enforcement of article.**—1. The commissioner shall, except in cities of the first class, enforce the provisions of this article.

2. In cities of the first class, the Health Departments thereof shall enforce the provisions of this article and for that purpose shall possess all powers conferred by this chapter upon the commissioner or the industrial board.

3. The rules of the board relative to carrying into effect the provisions of this article shall not apply in cities of the first class.

APPENDIX (G)

Article 23 of the PUBLIC HEALTH LAW OF THE STATE OF NEW YORK Relative to Live Pathogenic Microorganisms or Virus

(Added by laws of 1932, Chap. 151 and amended by Laws of 1945, Chap. 89
and last amended by Chap. 423, Laws of 1946, §1, effective April 4, 1946.)

ARTICLE 23

LIVE PATHOGENIC MICROORGANISMS OR VIRUSES

Section 450. Handling of live pathogenic microorganisms or viruses.

451. Sale or other disposal of live pathogenic microorganisms or viruses.

§450. **Handling of live pathogenic microorganisms or viruses.** No person other than a licensed practitioner of medicine, dentistry, or veterinary medicine or a person under the direct supervision of a licensed practitioner of medicine, dentistry, or veterinary medicine shall possess or cultivate live pathogenic microorganisms or viruses other than vaccine virus unless he has satisfied the state commissioner of health or in the city of New York, the city commissioner of health, that such microorganisms or viruses in his possession will not become a menace to the public health and unless a registration number shall have been issued to him or his employer within the preceding twelve months by the state commissioner of health or in the city of New York, by the city commissioner of health, or their authorized representatives. The state commissioner of health or in the city of New York, the city commissioner of health, is authorized to rescind such registration number at any time for a cause. Where one or more persons work with such microorganisms or viruses, application for this registration number shall be made by the person in charge of the work in connection with which such microorganisms or viruses are handled. If such person in charge is not a licensed practitioner of medicine, dentistry, or veterinary medicine, before a registration number is issued, he must first satisfy the state commissioner of health, or in the city of New York, the city commissioner of health, that such microorganisms or viruses will not become a menace to the public health. If the same person remains in charge of the work, the registration number shall be valid through April thirtieth of each year and may be renewed upon application prior to its expiration. The registration number becomes invalid if a change is made in the person in charge of the work or the work is conducted at a different address, in which case a new application must be made. A registration fee of one dollar shall be charged to cover the cost of issuing the registration number. This registration does not apply to laboratories maintained by the federal government, state, or a municipality. (*As amended L. 1945, c. 89, §1; L. 1946, c. 423, §1, eff. April 4, 1946.*)

§451. **Sale or other disposal of live pathogenic microorganisms or viruses.** All live pathogenic microorganisms or viruses other than vaccine virus when given away or sold shall bear a label on the container showing the contents. If the distributor is required to be registered, the label shall also bear the registration number assigned by the state department of health, or in the city of New York by the department of health of such city, for the handling of pathogenic microorganisms or viruses, the name of the person obtaining the material, and the destination of the pathogenic microorganisms or viruses, and no person shall sell or convey any live pathogenic microorganisms or viruses other than vaccine virus to any other person without permission of the state commissioner of health, or in the city of New York without the permission of the city commissioner of health. This section does not apply to diseased tissue, exudate, or other specimens which are sent by physicians, dentists or veterinarians to laboratories for examination as an aid in the diagnosis or control of disease. (*Formerly §452, amended L. 1945, c. 89, §2; renumbered 451 and amended L. 1946, c. 423, §3, eff. April 4, 1946.*)

APPENDIX (H)

Article 89 of the EDUCATION LAW

Relating to Physically and Mentally Handicapped Children and Delinquent Children

(Laws 1917, Chap. 559. Last Amended Laws of 1945, Chap. 780,
Former Article 39A)

ARTICLE 89

PHYSICALLY AND MENTALLY HANDICAPPED AND DELINQUENT CHILDREN DELINQUENT CHILDREN

Section 4402. Duties of Education Department.

4403. Duties of Department of Health.

4405. Payments of Cost of Education and Surgical Treatment.

§3. To provide, within the limits of the appropriations made therefor, home-teaching, transportation, scholarships in non-residence schools, tuition or maintenance and tuition in elementary, secondary, higher, special and technical schools, for physically handicapped children, in whole or in part from funds of the department, when not otherwise provided by parents, guardians, local authorities or by other sources, public or private. When the children's court of any county or city, whether established under the children's court act or under any special act, or the board of education of the city of New York, shall issue an order to provide for the education, including home-teaching, transportation, scholarships, tuition or maintenance, of any physically handicapped child, the commissioner of education, if he approves such order, shall issue a certificate to such effect in duplicate, one of which shall be filed with the clerk of the board of supervisors or other governing elective body of the county or chief fiscal officer of a city, in case such city has a special children's court act, and one in the office of the commissioner of education.

§4403. **Duty of department of health.** The state department of health shall on its own initiative provide, within the limits of the appropriations made therefor, such surgical, medical or therapeutic treatment or hospital care and necessary appliances and devices for physically handicapped children as in its judgment are needed. When the children's court of any county or city, whether established under the children's court act or under any special act, or the commissioner of health of the city of New York, shall issue an order for the surgical, medical or therapeutic treatment, hospital care or necessary appliances and devices for any physically handicapped child the state commissioner of health, if he approves such order, shall issue a certificate to such effect in duplicate, one of which shall be filed with the clerk of the board of supervisors or other governing elective body of the county or chief fiscal officer of a city, in case such city has a special children's court act, and one in the office of the state commissioner of health.

§4405. **Payment of cost of education and surgical treatment.** One-half of the cost of providing surgical, medical or therapeutic treatment or hospital care and necessary appliances and devices for physically handicapped children, as certified by the state commissioner of health under section forty-four hundred three of this chapter, and one-half of the cost of providing home-teaching, transportation, scholarships in non-residence schools, tuition and maintenance, as provided in subdivision three of section forty-four hundred two of this chapter, as certified by the commissioner of education, is hereby made a charge against the county or city, in case such city has a special children's court act, in which any such physically handicapped child resides, and the remaining one-half of the cost thereof shall be paid by the state out of moneys appropriated therefor. All claims for services rendered and for supplies furnished and for other expenses incurred in providing such treatment, care, appliances and devices, and for providing such home-teaching, transportation, scholarships and tuition, shall be paid in the first instance by the board of supervisors of the county or other governing elective body of the county or chief fiscal officer of a city, in case such city has a special children's court act, in which such physically handicapped child resides, upon vouchers presented and audited in the same manner as in the case of other claims against the county or city.

APPENDIX (I)

Article 1 of the DOMESTIC RELATIONS COURT ACT Relating Organization; Definitions

(Laws of 1933, Chap. 482 and last amended by Laws of 1945, Chap. 780.)

ARTICLE I

Section 2. Organization; Definitions.

56A. Duties of City Department of Welfare and City Department of Health with respect to compelling support.

(17) Neglected child means a child under sixteen years of age (a) who is without proper guardianship; (b) who has been abandoned or deserted by either or by both of its parents or by any other person or persons lawfully charged with its care and custody; (c) whose parent, guardian or person with whom the child lives, by reason of cruelty, mental incapacity, immorality or depravity is unfit properly to care for such child; (d) whose parent or guardian has been sentenced to imprisonment for crime; (e) who is under unlawful or improper supervision, care, custody or restraint by any person; (f) who wanders about without lawful occupation or restraint, or who is unlawfully kept out of school; (g) whose parent, guardian or custodian neglects or refuses when able to do so, or when offered the means of doing so, to provide necessary medical, surgical, institutional or hospital care or appliances or devices for such child, provided, however, that the provisions of this paragraph shall apply to any such child under twenty-one years of age if such child is physically handicapped as defined in paragraph one of subdivision a of section 556-18.0 of the administrative code of the city of New York; (h) who is found in any place the maintenance of which is in violation of law; (i) who is in such condition of want or suffering or is under such improper guardianship or control as to injure or endanger the morals or health of himself or others.

§56-a. Duties of City department of welfare and City department of health with respect to compelling support. 1. Upon the remand or commitment of a child to a public or private institution other than a shelter maintained and conducted by a society for the prevention of cruelty to children, the department of welfare of the city of New York shall investigate the ability of the parent of the child, or other person legally chargeable, to contribute in whole or in part to the expense incurred by the city of New York on account of the maintenance of such child.

2. If in the opinion of the department of welfare such parent or legal custodian is able to contribute in whole or in part the commissioner of welfare shall thereupon institute a proceeding in the family court of the domestic relations court of the city of New York to compel such parent or other person legally chargeable to contribute such portion of such expense on account of the maintenance of such child as shall be proper and just and the domestic relations court of the city of New York is vested with jurisdiction in the premises.

3. In any case where an order has been granted pursuant to section 556-18.0 of the administrative code of the city of New York, the commissioner of health, under the conditions specified in such section, may institute a proceeding in the family court of the domestic relations court to compel the parents of a child for whom care, treatment, appliances or devices have been ordered pursuant to such section, or other persons legally chargeable with the support of such child, to contribute such portion of the expense of such care, treatment, appliances or devices as may be just, by payments in installments or otherwise. Whenever the board of education of the city shall issue an order pursuant to section ten hundred nineteen-a of the education law, the commissioner of health, after investigating the financial responsibility of the parents of a child benefited by such an order or of the persons legally chargeable with the support of such child, may institute a proceeding in the family court to compel such parents or persons to contribute, in installments or otherwise, such portion of the expense of providing such benefits as may be just.

TITLE II

THE CHILDREN'S COURT

Section 61. Jurisdiction.

Section 85. Mental and Physical Examinations; Treatment.

The children's court in each county shall have exclusive original jurisdiction within

such county to hear and determine all cases or proceedings involving the hearing, trial, parole, probation, remand or commitment of children actually or apparently under the age of sixteen years, or who were under the age of sixteen years when the act or offense is alleged to have been committed, or the right of action in such case or proceeding accrued, who are, or who are alleged to be (a) delinquent, (b) material witnesses, (c) mental defectives, (d) neglected, and if also physically handicapped, as defined in paragraph one of subdivision a of section 556-18.0 of the administrative code of the city of New York, are under the age of twenty-one years, and shall also have jurisdiction to appoint guardians of the person and guardians ad litem of such children, and to grant orders for the adoption of such children.

APPENDIX (J)

RULES AND REGULATIONS OF THE DEPARTMENT OF HEALTH

These rules and regulations are for the Administration of the Department.

Rules Governing the Change or Alteration of Any Birth, Stillbirth (Fetal Death) or Death Certificate.

Rules Governing the Recording of Births Which Have Not Been Recorded in Accordance With Law.

Rules Governing the Charging of Fees for Searches and the Furnishing of Certifications of Birth Records, Certified Copies of Birth, Marriage and Death Records, Report of Sanitary Violations, or Condemnation Certificates.

Rules and Regulations as to Publicity, Time and Manner of Inspection of the Papers, Files, Reports, Records and Proceedings of the Department of Health.

Rules Governing Appeal to Board of Health for Review of the Action of the Commissioner of Health in Denying, Suspending, or Revoking a Permit.

Regulations of the Board of Health Governing Qualifications and Examination of Applicants for Massage Operator's License, Adopted Pursuant to Section B32-195.0 of the Administrative Code.

Rules and Regulations Governing the Examination, License and Conduct of the Business of Master Plumber.

Rules for the Examination, Licensing and Procedure Relating to Motion Picture Theatre Matrons.

Regulations Governing the Business of Supplying Inhalation Therapy Service.

Additional Regulations Governing the Examination and Issuance of Certificates of Competency for Technicians and Supervising Technicians in Inhalation Therapy Service.

Standards for Ventilation in The City of New York.

RULES GOVERNING THE CHANGE OR ALTERATION OF ANY BIRTH, STILLBIRTH (FETAL DEATH) OR DEATH CERTIFICATE

(Amended by resolution filed with City Clerk April 12, 1944.)

Rule 1. Application. No change or alteration in any birth, stillbirth (fetal death) or death certificate on file in the Bureau of Records and Statistics of the Department of Health shall be made except upon an application to the Commissioner of Health, on a form furnished by the Department.

(a) To change or alter a birth certificate, such application shall be made by the parents or surviving parent or the guardian of the child, or, if both parents are dead or not available and the person (child) whose certificate is involved is over twenty-one years of age, by the person himself.

(b) To change or alter a certificate of stillbirth (fetal death), such application shall be made by the person named as father or mother in the certificate, or by both.

(c) To change or alter a death certificate, such application shall be made by the surviving spouse or the next of kin of the decedent.

Rule 2. Change or alteration to be made only in the event of error; exception. No information stated on a birth, stillbirth (fetal death), or death certificate, on file in the Bureau of Records and Statistics of the Department of Health shall be changed or altered unless it is proven that an error was made at the time the certificate was originally prepared and filed, except that an application may be made to amend a certificate of birth to show that any of the persons named on the certificate has had his name changed by court order, provided the Commissioner of Health is satisfied that the court order refers to the individual named in the certificate.

Rule 3. Certified copy of original certificate to accompany application for a change or alteration. Every application to change or alter a birth, stillbirth (fetal death) or

death certificate shall be accompanied by a certified (photostatic) copy of the certificate to be changed or altered. If the application to change or alter a certificate is approved, a certified copy of the changed or altered certificate, or if a birth certificate, a certified copy or a certification of the changed or altered birth certificate shall be issued to the applicant without further charge.

Rule 4. Proof required. Every application for the change or alteration of a birth, stillbirth (fetal death) or death certificate shall be accompanied by appropriate documentary evidence to support the facts alleged therein. The burden of submitting convincing proof that an error was made at the time the certificate was originally prepared and filed rests with the applicant.

Rule 5. Approval of the commissioner and delegation of power. No change or alteration shall, at any time, be made in any birth, stillbirth (fetal death) or death certificate on file in the said Bureau of Records and Statistics, without proof satisfactory to and upon approval of the Commissioner of Health. The Commissioner of Health may, however, delegate, in writing, such power to the Registrar of Records of the Department of Health or to other employees of the Department, for such period and to such extent as shall be specified in such delegation.

Rule 6. Missing information. Information missing from a birth, stillbirth (fetal death) or death certificate on file in the Bureau of Records and Statistics may be added to the certificate upon submission of such information in the form of an affidavit made by a person authorized in Rule 1 to make an application for a change or alteration of the certificate. On recently filed certificates such missing information may be added, within one year following the event, upon the submission of such information to the Bureau of Records and Statistics on special forms of the Federal Security Agency. The addition of information to a certificate as provided in this rule shall not be deemed a change or alteration requiring approval pursuant to Rule 5. (*Amended January 1, 1947.*)

RULES GOVERNING RECORDING OF BIRTHS WHICH HAVE NOT BEEN RECORDED IN ACCORDANCE WITH LAW

(*Amended by resolution filed with City Clerk February 13, 1942.*)

Rule 1. Application. The birth of a child in the City of New York which through the neglect of the persons who were required to report such birth in accordance with law, was not recorded in the Bureau of Records and Statistics of the Department of Health before the end of the calendar year following the year in which the birth occurred, may be recorded in that Bureau, upon application to the Commissioner of Health, on forms furnished by the Department. Such application shall be made by either of the parents or the guardian of the child, or, if both parents are dead or not available and the person (child) whose certificate is involved is over twenty-one years of age, by the person himself. (*Amended by resolution filed with City Clerk April 12, 1944.*)

Rule 2. "Not Found" Statement. The application shall be accompanied by a statement issued by the Registrar of Records or an Assistant Registrar of Records, that a search has been made for the record of the birth in question and that such record was not found.

Rule 3. Certificate of Birth (delayed registration). The application shall be also accompanied by a certificate of birth (delayed registration form) stating all the facts relating to the birth as of the date of birth and signed:

- (a) by the physician or midwife who attended professionally at the birth, or
- (b) if there was no professional attendant at the birth or if the professional attendant is dead or cannot be located, by the parents or surviving parent or the guardian of the child, or by the superintendent of a hospital, maternity home or institution if the birth occurred therein, or
- (c) if none of the persons mentioned in paragraph (a) or (b) is living and available, by the person himself, if over 21 years of age.

Where the certificate is signed by the physician or midwife, he or she shall also execute the affidavit on the back thereof. (*Amended by resolution filed with City Clerk January 20, 1943.*)

Rule 4. Documentary proof. The application shall be also accompanied by appropriate documentary evidence establishing the facts and date of birth as alleged in the application. The burden of submitting convincing proof rests with the applicant. (*Rule 4 amended by resolution filed with City Clerk March 17, 1942.*)

Rule 5. Supporting Affidavits. The application shall be also accompanied by supporting affidavits on forms furnished by the Department from:

(a) The parent of the child other than the one making the application, if available, and

(b) In a case where the documentary evidence submitted does not clearly establish the facts and date of birth, from two citizens of the United States who knew the mother of the child before the child's birth and were fully cognizant of the birth. (*Rule 5 amended by resolution filed with City Clerk March 17, 1942.*)

Rule 6. Approval of the Commissioner and Delegation of Power. No such birth shall be recorded without proof satisfactory to and upon approval of the Commissioner of Health of all the facts and circumstances required to be stated in the application and papers mentioned herein. Such power to pass upon and approve such application may, however, be delegated by the Commissioner of Health, in writing, to the Registrar of Records of the Department of Health or to other employees of the Department, for such period and to such extent as shall be specified in such delegation. (*Rule 6 amended by resolution filed with City Clerk March 17, 1942.*)

RULES GOVERNING THE CHARGING OF FEES FOR SEARCHES AND THE FURNISHING OF CERTIFICATIONS OF BIRTH RECORDS, CERTIFIED COPIES OF BIRTH, MARRIAGE AND DEATH RECORDS, REPORTS OF SANITARY VIOLATIONS, OR CONDEMNATION CERTIFICATES

(*Filed with City Clerk January 14, 1938 and published in The City Record January 21, 1938.*)

Rule 1. The fee for one (1) calendar year search under one surname and a certification of birth or a certified copy of a birth, marriage or death record or a "not found statement" shall be One Dollar (\$1). Where a record is not found in the calendar year stated in the application, the search shall include the subsequent calendar year without any additional charge and every "not found statement" when issued shall state the two (2) calendar years searched.

Rule 2. The fee for each additional calendar year to be searched after the second calendar year, whether applied for at the same time or within one year subsequent to the original search, shall be Twenty-five Cents (\$0.25), provided that when the application is renewed at a subsequent date proof is furnished of the payment of the One Dollar (\$1) fee for the original search.

Rule 3. Where a duplicate copy of a certification of a birth or a certified copy of a birth, marriage or death record, or a "not found statement" is requested and obtained at the same time that the original search fee is paid, the fee for each such duplicate copy shall be Fifty Cents (\$0.50).

Rule 4. Where a certified copy of the reverse side of a marriage or death (other than fetal death) record is requested and obtained at the same time that the original search fee is paid, the fee for the certified copy of the reverse side of the record shall be fifty cents (50c). (*Amended by resolution filed with City Clerk March 20, 1944.*)

Rule 5. Where application is made for a certified copy of any document filed with the Bureau of Records and Statistics in connection with the issuance of a transit (death) permit the fee of one dollar (\$1), as provided in paragraph 1 hereof, shall apply for the search and a certified copy of the face of the first document requested and an additional fee of fifty cents (50c) shall be charged for each side of each additional document to be certified. (*Amended by resolution filed with City Clerk March 20, 1944.*)

Rule 6. Upon a proper application for a certified copy of a birth record and a surrender of a certification of birth, a certified copy of such birth record shall be issued without any additional charge.

Rule 7. No fee shall be charged for a certified copy of a corrected death or marriage record, or for a certification or certified copy of a corrected or delayed birth record, provided proof is furnished of the payment of One Dollar (\$1) fee for the original search.

Rule 8. Where a group of not less than six names is to be searched to determine whether death records are on file, the entire group of names may be searched at the rate of one dollar (\$1) for each hour of time, or part thereof, expended in making the search. In such cases, a certified copy of any certificate found shall be made, upon request therefor, upon payment of an additional fee of fifty cents (50c) for each copy of each certificate desired. (*Amended by resolution filed with City Clerk March 20, 1944.*)

Rule 9. Where an application is made by the United States Government or any subdivision thereof for a search and a certification of a birth or certified copy of a birth, marriage or death record, the Secretary, upon presentation of a government voucher for future

payment of the required fee, is authorized to issue an order to the Registrar of Records to furnish such certification of birth or copy of a birth, marriage or death record. However, free orders for searches and certified copies of death records shall be issued to the War and Navy Departments or to any of its services upon written requests indicating that the record is to be used for investigation purposes. (*Amended by resolution filed with City Clerk March 20, 1944.*)

Rule 10. Free orders for searches and certifications of birth or certified copies of birth, marriage or death records shall be issued for official purposes only, upon written request, to any department or agency of The City or State of New York.

Rule 11. Free orders for searches and certifications of birth or certified copies of birth, marriage or death records shall be issued pursuant to section 1384-n of the Civil Practice Act, to applicants for benefits made available by the Veterans' Administration (formerly United States Veterans' Bureau), provided proof of such application is submitted. A request in writing and on stationery of the Red Cross or a recognized veterans' organization for any such record for filing with the Veterans' Administration shall be considered sufficient proof.

Rule 11a. Free orders shall be issued to men, or to the lawful representatives of men, in the armed forces of the United States (Army, Navy, Marine Corps and Coast Guard) eligible for benefits under the provisions of the Servicemen's Dependents Allowance Act of 1942, for searches and certified copies of birth, marriage or death records required in support of applications for such benefits, provided proof is submitted that these copies are to be used for this purpose. Free orders under this rule shall also be issued to men who have received notice under the Federal Selective Servic Act of pre-induction into the armed forces of the United States after a physical examination. A written request for a copy of any such record from the American Red Cross or a recognized veterans' organization, or a request by a relative or dependent who exhibits an official application form (W.D., A.G.O., Form No. 625 or similar form employed by other services), or a request by a person who exhibits a notice of his pre-induction into the armed forces after a physical examination, shall be considered proof that the copies are to be used for this purpose. (*Amended by resolution filed with City Clerk March 20, 1944.*)

Rule 11b. Free orders for photostatic copies of birth certificates, marriage certificates and death certificates shall be issued by the Department of Health to the next of kin of deceased veterans of World War II who are eligible for benefits under the Veterans Bonus of the State of New York and to the Red Cross and recognized military organizations on behalf of the next of kin of deceased veterans of World War II, provided proof is submitted that these copies are to be used for the purpose mentioned herein. (*Filed with City Clerk January 16, 1948.*)

Rule 12. Searches shall be made and certifications of birth or certified copies of birth, marriage or death records shall be issued free, pursuant to Local Law No. 9 of 1932, to the Department of Public Welfare, the Board of Child Welfare or any other authority charged with the duty of administering law relating to the poor, or for the relief of veterans or the families or dependents of veterans of the City of New York.

Rule 13. Free orders for searches and certifications of birth or certified copies of birth shall be issued upon written request of an officer of the New York Society for the Prevention of Cruelty to Children for use by it in court cases.

Rule 14. Rescinded April 4, 1947.

Rule 15. Verifications of information contained on any vital statistic record may be given gratis when requested for official use by a department, agency or officer of any state government or subdivision thereof or the United States Government. Such verifications of information may be also given gratis to recognized charitable organizations or social welfare societies upon request, but the Registrar of Records in issuing a verification shall have in mind the purpose of chapter 854 of the Laws of 1936, relative to disclosure of the names of parents.

Rule 16. In cases of extreme poverty either the Secretary, the Chief Clerk or the Assistant Chief Clerks may use their discretion and issue free orders for a certification of birth or a certified copy of a birth, marriage or death record.

Rule 17. For the purpose of determining ages of children applying for admission to school or for working papers, the Registrar of Records is authorized to furnish to the Bureau of Attendance, Board of Education, for temporary use, copies of such birth index books as the Registrar may deem necessary. In cases of school children referred to the Bureau of Records by the Board of Education, verification of age shall be made without charge.

Rule 18. The fee for a condemnation certificate or for a search and report of sanitary violations shall be One Dollar (\$1).

Rule 19. Where the Board of Health, pursuant to the provisions of sections 31, 32 or 33 of the Sanitary Code of The City of New York, authorizes, for scientific purposes, the issuance of information from the confidential medical reports of birth, fetal deaths, or deaths, the fee for information furnished from each such report shall be Fifty (50) cents, unless the

specific resolution authorizing the issuance of such information for scientific purposes provides that it shall be furnished without charge. (*Rule 19, as added, filed with City Clerk July 13, 1939 and published in The City Record July 14, 1939.*)

RULES AND REGULATIONS AS TO PUBLICITY, TIME AND MANNER OF INSPECTION OF THE PAPERS, FILES, REPORTS, RECORDS AND PROCEEDINGS OF THE DEPARTMENT OF HEALTH

(*Filed with City Clerk February 18, 1938.*)

First—No paper, file, report, record or proceeding of the Department shall be open to inspection except to a person having a personal right or interest therein, or as a party to a proceeding in court.

Second—No paper, file, report, record or proceeding in relation to any marriage or death shall be open to inspection except to a person who has a personal interest therein as relative, next of kin, or heir of the person mentioned in such certificate, or who otherwise establishes some personal right or interest therein.

Third—Application to inspect any paper, file, report, record or proceeding of this Department shall be made to the Secretary and shall be accompanied by an affidavit showing that the person who proposes to make such inspection is a taxpayer and describing the interest of the applicant in the paper, file, report or proceeding.

Fourth—Inspection of any of the papers heretofore referred to shall be made at the office of the Department of Health between the hours of 2 p. m. and 4 p. m.

Fifth—An attorney or other duly authorized representative of a person entitled to inspect any of the papers hereinbefore mentioned, may also make such inspection upon proof of such authority.

RULES GOVERNING APPEAL TO BOARD OF HEALTH FOR REVIEW OF THE ACTION OF THE COMMISSIONER OF HEALTH IN DENYING, SUSPENDING, OR REVOKING A PERMIT

(*Filed with City Clerk March 20, 1939 and published in The City Record March 22, 1939.*)

(1) Where the Commissioner of Health under the Sanitary Code has been authorized to issue, suspend or revoke a permit, his action in denying, suspending or revoking a permit, unless otherwise ordered by the Board of Health, shall become final not less than five (5) days after service of notice thereof, exclusive of the day of service, upon the applicant in the case of a denial of a permit, and upon the permittee in the case of a suspension or revocation of a permit.

(2) Service of such a notice by the Commissioner of Health upon the applicant in the case of a denial of a permit or upon the permittee in case of a suspension or revocation of the permit shall be deemed sufficient if made in any of the following methods:

(a) Through the post office, by depositing the notice properly enclosed in a postpaid wrapper in a post office or in any post office box regularly maintained by the Government of the United States, directed to the applicant for the permit or to the permittee, as the case may be, at the premises stated in the application for the permit or the permit. The day of depositing such notice in the post office or post office box, as hereinbefore stated, shall be deemed the day of service.

(b) By leaving the notice with the applicant for the permit or the permittee, as the case may be, or with any partner or officer thereof.

(c) By posting the notice at the entrance door of the premises stated in the application for the permit or the permit, as the case may be.

(3) An aggrieved party desiring to have the Commissioner's action reviewed by the Board of Health must serve a written notice of appeal upon the Secretary of the Department, within five (5) days after the service of the notice of the Commissioner's action.

(4) The notice of appeal shall be addressed to the Board of Health of the Department of Health of The City of New York and contain the following information:

(a) The full name of the applicant or permittee.

(b) The business or purpose for which the application was made or the permit was issued.

(c) The place of business designated in said application or in said permit.

(d) The date the application was made or the permit was issued.

(e) The date the Commissioner of Health denied the application for a permit or suspended or revoked the permit.

(f) The action taken by the Commissioner of Health and a statement that the applicant or permittee appeals to the Board of Health to review said action.

(g) The signature of the applicant or the permittee, if a partnership, the name of the partnership and the signature of a member thereof, and if a corporation, the name of the corporation and the signature of an officer thereof with the title of his office.

(5) The service of such notice of appeal within the time limit hereinbefore stated shall, unless in a particular case otherwise ordered by the Board of Health, act as a stay of the action of the Commissioner of Health until final determination by the Board of Health.

(6) The aggrieved party shall submit to the Secretary of the Department of Health with the notice of appeal or within three (3) days after the service of the notice of appeal, a written memorandum addressed to the Board of Health containing the objections to the Commissioner's action in denying the application for a permit or in suspending or revoking the permit.

(7) These rules shall not apply when a permit is revoked for any of the following reasons:

- (a) Discontinuance of business.
- (b) Sale or transfer of business.

(8) These rules do not apply to the issuance, suspension or revocation by the Commissioner of Health of a master plumber's license pursuant to sections 561-1.0 and 561-2.0 of the Administrative Code of The City of New York or to "licensed plumber" metal plates issued pursuant to section 45b of the General City Law.

REGULATIONS OF THE BOARD OF HEALTH GOVERNING QUALIFICATIONS AND EXAMINATION OF APPLICANTS FOR MASSAGE OPERATOR'S LICENSE, ADOPTED PURSUANT TO SECTION B32-195.0 OF THE ADMINISTRATIVE CODE

(Filed with City Clerk April 15, 1941.)

Regulation 1. Qualifications and Examination. Applicants for a massage operator's license shall present satisfactory evidence of graduation from a high school or the equivalent thereof, and shall be required to pass a written qualifying examination in anatomy, physiology and the theory and practice of massage to be given under the direction of the Department of Health. Such examination shall be held quarter-annually. However, any veteran whose schooling has been interrupted by war after having completed three years of high school, shall be permitted to take the written qualifying examination for a massage operator's license. *(Amended by resolution filed with City Clerk, October 26, 1945 and published in The City Record, November 1, 1945.)*

Regulation 2. Applicants to be Examined on Request of Commissioner of Licenses. No applicant shall be permitted to take the written qualifying examination unless he or she presents to the Department of Health a written communication, signed by the Commissioner of Licenses, requesting such an examination of the applicant. The communication shall also contain the applicant's signature and shall be accompanied by a photograph of the applicant.

Regulation 3. Medical Certificate; Renewals. The applicant shall submit a medical certificate signed by a duly licensed physician certifying that the applicant has been given a medical examination not later than thirty days prior to the filing of the application and was found to be free from any disease in a communicable form. The certificate shall be on a form furnished by the Department of Health and shall contain the signature of the applicant signed in the presence of the examining physician. Upon each renewal of a license for a massage operator, the applicant shall file a new medical certificate predicated upon a medical examination given not later than thirty days prior to the renewal application.

Regulation 4. Re-examinations. An applicant who has failed to pass the written qualifying examination for a massage operator's license may be given a re-examination upon request in writing to the Department of Health by the Commissioner of Licenses.

Regulation 5. Certifications. The Department of Health, within a reasonable time after the holding of an examination, shall certify to the Commissioner of Licenses the names of the persons who have passed such examination and the names of the persons who have failed.

Regulation 6. Regulations of Commissioner of Licenses. These regulations are in addition to any regulations of the Commissioner of Licenses, now in force or hereafter adopted, relative to the licensing and conduct of massage operators and institutes.

RULES AND REGULATIONS GOVERNING THE EXAMINATION, LICENSE AND CONDUCT OF THE BUSINESS OF MASTER PLUMBER*

(Filed with City Clerk August 25, 1942.)

RULE I

Applications—

- (a) Persons desiring to obtain a license from the Commissioner of Health to engage in

*Promulgated jointly by the Department of Health and the Municipal Civil Service Commission.

the business of Master Plumber, shall apply for the necessary examination by filing with the Municipal Civil Service Commission, during the period fixed by said commission, an application on such forms as may be prescribed, and furnishing such information as to citizenship, character, education, previous employment, training and fitness as may be required. Applications shall be filled out in the handwriting of the applicant and shall be sworn to. No false or misleading statement shall be made in any application, affidavit or other paper filed with the Commissioner of Health or with the Municipal Civil Service Commission.

(b) Applications found to be defective shall be suspended and notification shall be given to the applicant of the particulars wherein it requires correction. Such corrections must be made within five days after mailing of notice thereof to applicant.

(c) The Municipal Civil Service Commission shall fix the period to be not less than two weeks during which applications shall be received. Notice that applications will be received shall be advertised by the Commission for at least two weeks prior to the final date for the receipt of the applications daily in The City Record and, in the discretion of the Commissioner of Health, in such other publications as he may designate.

RULE II

Qualifications—

Any person applying for a Master Plumber's license shall be a citizen of the United States, thoroughly proficient in the reading and writing of the English language and shall have had not less than ten years' experience in the plumbing industry in the United States, except that three years' experience in the plumbing industry shall be sufficient together with a technical degree in engineering from a college or university approved by the regents of the University of the State of New York. Applicants who were engaged in the plumbing industry prior to the time they entered the armed service of the United States shall be permitted to include the time they were in the service as experience in the plumbing industry, but such credit shall in no case exceed the maximum of two years. (*Amended by rule filed with City Clerk October 26, 1945.*)

RULE III

Examinations—

(a) Examinations for the licensing of Master Plumbers shall be designed to determine the merit and fitness of applicants, and shall include a written test, a practical test and such inquiry into the applicant's reputation, character, responsibility and past experience as the Municipal Civil Service Commission may require.

(b) The conduct of examinations shall conform, in so far as practicable, to the procedure of the Municipal Civil Service Commission with respect to other examinations conducted by the Commission and shall be under the direction of the Director of Examinations. Examinations shall be conducted at least once each year but not more than twice a year.

RULE IV

Committee of Plumbing Industry—

Not later than the fifteenth of December of each year, a committee of the plumbing industry shall be selected under the supervision of the Director of Examinations of the Municipal Civil Service Commission to assist the Commission in the conduct of examinations for the ensuing year. Such committee shall be selected in the manner prescribed by law.

RULE V

Appeals—

Claims of manifest error in the rating of an examination must be made to the Municipal Civil Service Commission in writing. Such claim shall be made within the time allowed and shall be disposed of in the manner prescribed by the Municipal Civil Service Commission for other examinations.

RULE VI

Examination fee—

(a) An examination fee of \$10 shall be paid to the Municipal Civil Service Commission at the time of filing the application and shall entitle the candidate to one written test and, if a passing mark is obtained, to one practical test.

(b) A candidate will be permitted to take only three practical tests on the basis of one passing written test, provided the application for an additional practical test is filed with the Commission not later than three years from the date of the written test. A fee of \$5 for each additional practical test shall be paid to the Municipal Civil Service Commissioner at the time of filing the application for such test. (*Subd. b suspended until December 31, 1946 with respect to the requirement that an application for an additional practical test must be filed with the Commission not later than three years from the date of the written test. See resolution filed with City Clerk November 8, 1945 and published in The City Record November 9, 1945.*)

RULE VII

Issuance of licenses and metal plates—fees—

(a) Upon the certification of the Municipal Civil Service Commission that an applicant has qualified as a Master Plumber, the Commissioner of Health shall, except for good cause, issue to the applicant a Master Plumber's license upon payment of a fee of \$5.

(b) In order to engage in the trade, business or calling of a duly registered and licensed Master Plumber, the licensee shall, before registering with the Department of Housing and Buildings, apply to the Commissioner of Health for a "licensed plumber" metal plate which shall be used for the premises designated in the application upon payment of a fee of \$5. All "licensed plumber" metal plates shall be renewed annually by the Commissioner of Health during the month of January upon payment of a fee of \$2.

(c) Where the metal plate has been lost, and an affidavit is submitted establishing such fact, a new metal plate shall be issued by the Commissioner of Health upon a new application and payment of a fee of \$5.

RULE VIII

Metal plates regulated—

(a) Not more than one "licensed plumber" metal plate shall be issued to any licensed Master Plumber.

(b) A metal plate shall not be issued for the conduct of business at any premises located in a residence district as provided for on the Use District Map and in the Use District Map Designation Rules accompanying the zoning Resolution of the City of New York.

(c) The Commissioner of Health shall reserve the right to issue or renew a metal plate to any licensed Master Plumber who fails to display prominently to the public on the window of the place of business designated in his application or on a sign securely attached to the said premises, his full name with the words "Licensed Plumber" immediately thereunder and, if the business is conducted under a trade name or a co-partnership or a corporation, such trade name, co-partnership or corporate name immediately above his full name.

(d) The metal plate when issued shall be kept prominently displayed to the public at the place of business designated in the application. The metal plate shall not be transferred to another address nor shall it be transferred to or displayed in connection with any co-partnership or corporation of which the holder of such plate may become a partner or officer, without first notifying the Commissioner of Health in writing and receiving his written approval thereof.

(e) A person retiring from business as a master plumber shall surrender his metal plate to the Commissioner of Health. In the event of the decease of a Master Plumber who was engaged in the plumbing business under a metal plate issued by the Commissioner of Health, his legal representative may, with the consent of the Commissioner of Housing and Buildings, carry on and complete all unfinished work of said licensed Master Plumber for which plans have been filed and approved, providing that such work is supervised by a duly licensed Master Plumber and is completed within one year from the date of death. Such legal representative shall submit an affidavit to the Commissioner of Health, setting forth all the particulars, and if satisfactory, the Commissioner of Health may authorize the retention of the metal plate without any further fee for renewal or otherwise until the completion of said work but not for a greater period than one year as hereinbefore stated. (*Subd. e amended by rule filed with City Clerk October 26, 1945.*)

(f) All plumbing work shall be installed by or under the supervision of a duly licensed and registered Master Plumber in accordance with the rules and regulations of the Administrative Code and of the Sanitary Code of the City of New York. (*Subd. f added by rule filed with City Clerk October 26, 1945.*)

RULE IX

Revocation, suspension or cancellation of license and licensed plumber's metal plate—

The Commissioner of Health may at any time revoke, suspend or cancel the license and licensed plumber's metal plate of a Master Plumber for cause, after notice and hearing to the licensee. A licensed Master Plumber upon receiving notice that his license and metal plate has been revoked or suspended shall immediately surrender to the Commissioner of Health his license and licensed plumber's metal plate which had been issued to him to engage in the plumbing business in the City of New York. (*Amended by rule filed with City Clerk October 26, 1945.*)

RULE X

Additional regulations—

The Commissioner of Health and the Municipal Civil Service Commission may prescribe additional regulations governing the examination and conduct of the trade, business or calling

of registered and licensed Master Plumbers. Said regulations shall be separate and distinct from the rules, but shall in no wise conflict therewith.

RULE XI

Enactment and amendment of rules—

These rules and all amendments thereto shall not become effective until public notice thereof shall have been given in The City Record for not less than three days and a public hearing held thereon.

RULES FOR THE EXAMINATION, LICENSING AND PROCEDURE RELATING TO MOTION PICTURE THEATRE MATRONS

(Filed with City Clerk March 10, 1943)

Application

An applicant for examination for the license of a Motion Picture Theatre Matron shall, before being examined, file with the Commissioner of Health an application on such forms as may be prescribed and shall furnish such information as may be required. All applications shall be filled out in the handwriting of the applicant and must be accompanied by two photographs of the applicant, not to exceed 1½ inches square.

Qualifications

Every applicant for a license shall be at least 21 years old.

Examinations

The examination of the applicant shall consist of an oral interview and/or written examination relating to the statements furnished in the application and shall include a chest X-ray examination to determine that the applicant is free from tuberculosis in a communicable form.

Licenses: Duration; Revocation

Licenses shall be issued for a period of not more than three (3) years and shall be deemed revoked at the expiration date thereof unless renewed. Licenses may be revoked and/or shall be surrendered to the Commissioner of Health for cause or upon such other grounds as the Commissioner of Health may deem proper.

Fees

The fee for the license of Motion Picture Theatre Matron together with identification badge shall be two (\$2) dollars. The license shall at all times be displayed in the cashier's booth of the motion picture theatre where and while the matron is on duty.

Identification

All matrons while on duty in a theatre shall wear a white uniform and shall display on the left breast thereof the licensed matron's identification badge issued by the Commissioner of Health.

REGULATIONS GOVERNING THE BUSINESS OF SUPPLYING INHALATION THERAPY SERVICE

(Filed with City Clerk December 24, 1943)

The following regulations governing the conduct of the business of supplying inhalation therapy service are hereby promulgated:

Regulations Governing the Business of Supplying Inhalation Therapy Service

Regulation 1. Application for a Purveyor's License

(a) Application for a purveyor's license to conduct the business of supplying inhalation therapy service as provided in section 561-3.0 of the Administrative Code of The City of New York, shall be made by the owner on forms furnished by the Department of Health.

(b) In the application the purveyor shall state the address of the principal place of business and, if the purveyor conducts any branch office or place of business, the address or addresses thereof, together with the permit number and date of issuance to the purveyor of the Fire Department permit to store combustibles and dangerous materials at each of said premises where such materials are stored.

Regulation 2. License

(a) The license shall be issued by the Commissioner of Health for a particular individual, firm or corporation and for the designated principal place of business and branch offices or places of business mentioned in the license and shall not be valid for use by any other person or at any place other than that for which issued, and any transfer as to person or place shall forthwith revoke and terminate such license.

(b) The license shall be conspicuously displayed on the premises designated therein as the principal place of business and a certification of such license, issued by the Department of Health shall be conspicuously displayed at each branch office designated on the license.

Regulation 3. Supervising Technicians

(a) Every purveyor shall have at least one supervising technician at each place of business from which inhalation therapy equipment is supplied or distributed, who shall be available at all times..

(b) The supervising technician shall be the technical supervisor or director of the inhalation therapy service of such purveyor and he shall supervise the technicians who operate the inhalation therapy equipment of such purveyor or for such purveyor. The supervising technician shall be in charge of the proper operation and servicing of the inhalation therapy equipment.

(c) It shall be the duty of the purveyor to file with the Commissioner of Health within 48 hours after the employment of a supervising technician, a notice of such employment giving the full name and address of the supervising technician, his current certificate of competency, number and the date of commencement of employment. A similar notice of termination of employment shall likewise be filed by the purveyor within 48 hours after the termination of employment of a supervising technician.

Regulation 4. Technicians

(a) Every purveyor shall employ as many technicians as may be necessary to properly operate the inhalation therapy equipment of such purveyor.

(b) No technician shall operate inhalation therapy equipment of a purveyor or for a purveyor except under the general supervision of a supervising technician of such purveyor.

Regulation 4A

Where purveyors' licenses or supervising technicians' or technicians' certificates of competency have been revoked for cause by the Commissioner of Health, such licenses, supervising technicians' or technicians' certificates of competency shall be surrendered forthwith to the Commissioner of Health by the holders. (*Reg. 4A added by regulation filed with City Clerk June 15, 1945.*)

Regulation 5. Gas Cylinders and Storage Thereof

(a) No cylinder containing gas shall be received or used for inhalation therapy service unless it complies with the following:

1. It conforms with the standards and specifications of the Interstate Commerce Commission applicable to such cylinders.

2. It shall be conspicuously marked with the chemical name of the gas in lettering having a height not less than one twenty-fifth (1/25) of the diameter of the cylinders and a minimum height of one-eighth (1/8) inch. Whenever practicable the name of the gas shall appear on the shoulder of the cylinder. It shall also be legibly marked with the name and place of business of the manufacturer. All such markings shall be by means of stenciling, stamping or labeling, and of as permanent a nature as practical.

3. On and after January 1, 1945, the upper portion, preferably the shoulder of the cylinder, is painted with the distinguishing color to correspond with the gas contained as herein indicated:

For Oxygen.....	Green Color
For Oxygen and CO ₂ mixtures.....	Grey and Green
For Oxygen and Helium mixtures.....	Brown and Green

4. In the case of oxygen, it is of the high pressure type with a capacity of at least 220 cubic feet or 6,000 liters, at 2,000 pounds per square inch gauge pressure and 70 degrees Fahrenheit, or in the case of half size cylinders, 110 cubic feet at 2,000 pounds per square inch gauge pressure and 70 degrees Fahrenheit. The provisions in this paragraph shall not become effective until January 1, 1947, but during the period until such effective date, no cylinder with less than 1,800 pounds per square inch gauge pressure shall be supplied.

(b) The gas contained in a cylinder furnished or used for inhalation therapy shall contain not less than 20 per cent of oxygen in the case of helium-oxygen mixtures and not less than 90 per cent oxygen in the case of carbon dioxide-oxygen mixtures. Cylinders with mixtures of gases shall be labeled to show the proportion of each gas present in terms of per cent by volume.

(c) Every cylinder of carbon dioxide or helium, kept, stored or used by a purveyor, shall comply with the requirements contained in subdivision (a) and on and after January 1, 1945, the upper portion, preferably the shoulder of such cylinders, shall be painted with the distinguishing color grey in the case of carbon dioxide and brown in the case of helium gas.

(d) All gases furnished or used in inhalation therapy must comply with the United States Pharmacopoeia standards of purity where such standards exist and where a mixture of gases is used each component of such mixtures must comply with said standards.

(e) Adequate space, which shall be clean, dry and away from hot radiators, hot steam pipes, the sun and other sources of heat, shall be provided and used for the storage of cylinders.

(f) Cylinders shall be properly labeled giving the approximate gas contents, and empty cylinders shall be stored separately from full or partly full cylinders.

(g) The valve on every cylinder of a capacity over 50 cubic feet of gas, except when in use, shall be kept covered with a cylinder valve protective cap.

(h) A strict compliance with all fire laws, regulations and ordinances governing the storage of gases or combustible and dangerous materials shall be maintained at all times. (*Regulation 5 amended by regulation filed with City Clerk January 2, 1946.*)

Regulation 6. Regulators

(a) Every cylinder or group of cylinders of gas, when made ready for use for inhalation therapy service, shall have attached thereto an accurate pressure reducing and regulating mechanism, calibrated to measure flow of gas in liters per minute and shall be equipped with a high pressure gauge to show pressure in the cylinder or group of cylinders.

(b) Before use on each case the regulating mechanism shall be tested for accurate working conditions at the rates of 5 and 10 liters per minute by recognized methods for testing gas flow. The flow meter shall not have an error of more than 10 per cent at any of said points and the indicator shall return to zero when the cylinder valve is completely closed.

(c) The flow meter shall be calibrated for the particular gas for which it is to be used.

(d) Regulators, when not in use, shall be protected against dust entering the intake and shall be stored in clean closed cabinets or a satisfactory dust protecting substitute.

(e) Tests for leaks in the regulator shall be made and any leaks found shall be repaired.

(f) A regulating mechanism that has been used on a cylinder of pure carbon dioxide or helium shall not be used on a cylinder containing pure oxygen or mixtures of oxygen with helium or carbon dioxide.

Regulation 7. Tents; Sanitary Condition and Testing

(a) All tents, that is the cabinet (cooling unit) and the canopy, used for inhalation therapy service shall be maintained in a clean sanitary condition and in good repair.

(b) No electrical apparatus or appliance used for supplying inhalation therapy service shall be employed unless they have been submitted for examination and a written approval has been obtained from the Commissioner of the Department of Water Supply, Gas and Electricity, as far as the electrical features are concerned.

(c) The cabinet of every motor driven tent, after each use and at least once a month while not in use, shall be checked for:

1. motor failure,
2. temperature control,
3. drainage, if ice is used,
4. leakage of gas by recognized tests, and
5. obstruction which inhibit the free passage of circulation of tent atmosphere.

(d) The cabinet of every thermal tent before being delivered for use shall be checked for drainage if ice is used, for leakage of gas and for any obstruction in the thermal circulating system.

(e) No equipment shall be used unless it is in good condition and capable of maintaining continuously in the closed canopy a 45 per cent oxygen concentration at a flow of 12 liters per minute.

(f) The equipment shall be tested at the place where it is being installed following installation and prior to the departure of the technician to determine whether it does maintain such oxygen concentration in the closed canopy as has been prescribed for the patient.

Regulation 8. Tents When in Use, Inspections and Charts

(a) Every tent when in use shall be inspected and checked by a technician of the purveyor to determine the oxygen concentration, temperature and whether the tent is functioning properly, at least twice each day or oftener, if necessary.

(b) A record shall be kept on a chart, attached to or near the patient's bed, upon which the technician on each visit or inspection shall enter the date and time of the visit or inspection, the temperature, the liter flow, the oxygen concentration, and such other information as may be necessary, and append hereto his signature or initials.

(c) Cylinders of gas must be securely strapped or supported so that they cannot be accidentally knocked over.

(d) Immediately before use, cylinder valves shall be opened slightly until gas escapes and then closed, but this shall not be done in the patient's room.

(e) The ice used in a cooling cabinet shall be inserted in chunks of such size as to maintain proper temperature and circulation of atmosphere.

Regulation 9. Catheters and Masks in General

(a) All catheters and masks shall be kept in a clean sanitary condition and in good repair.

(b) When a catheter is used by a patient, the oxygen shall be required to pass or flow through an insufficient bottle or humidifier, unless otherwise ordered by the attending physician.

(c) Every catheter when in continuous use by a patient shall, after removal, be inspected, cleaned and checked by a technician or physician to determine proper functioning at least twice during each 24 hours.

(d) Every mask shall be inspected to determine proper functioning whenever a new cylinder of gas is attached.

(e) Cylinders of gas must be securely strapped or supported so that they cannot be accidentally knocked over.

Regulation 10. Warnings Against Fire Hazards

(a) Every tent, catheter or mask for inhalation therapy service shall be equipped at the time of delivery with a set of instructions warning against possible fire hazards and the technician shall call attention to these instructions.

(b) Signs, warning against fire hazards, shall be conspicuously displayed in the patient's room and on the door leading to the patient's room. Such signs shall have a white background and shall clearly and legibly bear in red letters the following:

C A U T I O N

No Smoking

No Matches

No Sparks

No Open Flames

No Candles

No Oil Grease

No Other Inflammable Materials

No Electric Pads, Electric Call Bells or Other Electrical Equipment

(c) In addition to the aforesaid, the technician shall verbally warn the patient, nurse, members of the household and others attending the patient, against smoking and all other possible fire hazards.

Regulation 11. Cleaning and Sterilization of Equipment

(a) Adequate space, preferably a separate room, shall be provided for the cleaning and sterilization of inhalation therapy equipment. The floor of such space or room shall be constructed of smooth cement or tile laid in cement or other hard non-absorbent water-tight material.

(b) After the termination of each case the tent, both cabinet and canopy, shall be washed with soap and water both inside and outside, and then the canopy either rubbed down with 70 per cent alcohol or dipped in a solution of not less than 1:1,000 mercury bichloride for five minutes and washed with water or sterilized by any other satisfactory method.

(c) After the termination of each case the catheter used shall be cleaned and sterilized. The terminal inch of the catheter shall be examined as to whether any of the small holes are

plugged. The catheter after such sterilization and examination shall be placed in a sealed container and delivered in such sealed container to the next patient.

(d) After the termination of each case the masks used shall be scrubbed thoroughly with soap and water and then either boiled in water, or immersed or washed in a 70 per cent alcohol solution or other effective sterilizing agent.

Regulation 12. Maintenance of Premises and Equipment

(a) The premises occupied by a purveyor shall be maintained in a clean sanitary condition.

(b) All equipment used in inhalation therapy service shall be maintained in a clean sanitary condition and in good working order.

(c) Equipment in usable condition shall be stored separately from unclean or defective equipment.

(d) All equipment returned to the premises, following each use, shall be thoroughly examined for leakage and other defects immediately after cleaning.

Regulation 13. Apprenticeship; Apprentice Certificate

(a) No person employed by a purveyor, unless accompanied by a technician or supervising technician, shall install, operate or service or assist in installing, operating or servicing of inhalation therapy equipment for a patient.

(b) No person shall work and no employer shall engage, allow or permit any person to work as an apprentice to a supervising technician or technician unless he is the holder of an apprentice certificate. Before an apprentice is engaged an application for an apprentice certificate signed by the apprentice and countersigned by the employer must be filed by the employer with the Department of Health. Such apprentice certificate shall be valid for one (1) year from date of issuance unless employment is sooner terminated or the certificate is otherwise revoked by the Commissioner of Health.

Regulation 14. Records to Be Kept by the Purveyor

The purveyor shall keep a record of all gas purchased, giving dates, amounts, type of gas, cylinder numbers and person from whom purchased, and he shall also keep a record of each case in which inhalation therapy service was supplied, giving the name of the patient, the place where the service was rendered, the name and address of the physician prescribing the service, the type of equipment, the date and time when service commenced and when service terminated, the amount and type of gas used with the dates of the commencement of each cylinder of gas, and the name of the technician or supervising technician in direct charge of installation of equipment for each case. Such records shall be kept for a period of three years and shall be open to inspection by any authorized representative of the Department of Health. (*Regulation 14, as amended, filed with City Clerk December 5, 1944.*)

ADDITIONAL REGULATIONS GOVERNING THE EXAMINATION AND ISSUANCE OF CERTIFICATES OF COMPETENCY FOR TECHNICIANS AND SUPERVISING TECHNICIANS IN INHALATION THERAPY SERVICE

Regulation 20. Applications for Certificates of Competency

(a) Persons desiring to obtain from the Commissioner of Health a certificate of competency as a technician or as a supervising technician in inhalation therapy service shall apply for the necessary examination by filing with the Department of Health, an application on such forms as may be prescribed, and furnishing such information as to character, education, previous employment, training and fitness as may be required. Applications shall be filled out in the handwriting of the applicant and shall be accompanied by two photographs of the applicant, not to exceed one and one-half inches square. No false or misleading statement shall be made in any application, affidavit or other paper filed with the Commissioner of Health.

(b) Applications shall be received during regular office hours at the office of the Department of Health, 125 Worth Street, Manhattan.

Regulation 21. Qualifications for Certificates of Competency

(a) Technicians. Applicants for a certificate of competency as a technician shall be thoroughly proficient in reading and writing the English language and shall have had not less than two years attendance at a secondary school or its equivalent, one year of which shall have included instructions in physics, chemistry or general science, or the equivalent.

In addition thereto, the applicant shall have had not less than three months' experience as an apprentice or experience equivalent thereto.

(b) Supervising technicians. Applicants for a certificate of competency as a supervising technician shall have the same educational qualifications as required for a technician and in addition thereto, shall have had not less than two years' experience as a technician actually engaged in inhalation therapy service.

Regulation 22. Examinations for Certificates of Competency

(a) Examination for the issuance of certificates of competency as technician or supervising technician shall be designed to determine the merit and fitness of applicants and shall include a written test, a practical test and such inquiry into applicant's reputation, character, responsibility and past experience as the Commissioner of Health may require.

(b) Examinations shall be conducted on behalf of the Commissioner of Health by a departmental board consisting of at least three employees of the Department of Health designated by the Commissioner. Said board shall be known as the "Board of Inhalation Therapy."

(c) Examinations shall be conducted at least once each year.

Regulation 23. Waiver of Educational Qualifications and Examination

Upon submission of satisfactory proof by an applicant that he has been engaged in inhalation therapy service prior to October 23, 1943, the educational qualifications hereinbefore mentioned and the examination may be waived (1) for a certificate of competency as a technician, if the applicant has had one year's experience as a technician in inhalation therapy service prior to said date, and (2) for a certificate of competency as a supervising technician, if the applicant has had five years' experience in inhalation therapy service prior to said date. Such proof must be submitted in an application for the respective certificate of competency not later than May 15, 1944, except that in the case of a person in the armed services of the United States such proof may be submitted in an application for the respective certificate of competency within one year following honorable discharge from such services. (*Regulation, as amended, filed with City Clerk April 6, 1944.*)

Regulation 24. Certificate of Competency Regulated

(a) The Commissioner of Health shall issue a certificate of competency as a technician or supervising technician in inhalation therapy service to those persons who have qualified following an examination for the respective certificate, and to those persons who have qualified under Regulation 23.

(b) A certificate of competency as a technician or supervising technician shall, except for good cause, be renewed each year without further examination. Where a person has failed to apply for renewal of his certificate of competency for two successive years his right to such certificate shall terminate and he shall be required to qualify again before a new certificate is issued.

(c) Each supervising technician and each technician, during the performance of his duties as such, shall carry his certificate or renewal certificate on his person and shall display same on demand.

Regulation 25. Effective Date

These regulations shall take effect January 1, 1944, except as otherwise provided in paragraphs 3 and 4 of subdivision (a) of Regulation 5 and in subdivision (c) of Regulation 5.

STANDARDS FOR VENTILATION IN THE CITY OF NEW YORK

1. Temperature.—The temperature in rooms during period of occupancy should register preferably from 60 to 70 degrees Fahrenheit at all times, except when the outside temperature exceeds 60 degrees Fahrenheit. This does not apply to rooms used for special purposes such as industrial places where high or low temperatures are essential and unavoidable.

2. Humidity.—The relative humidity in occupied rooms should not exceed 70 per cent, except when the outside wet bulb temperature exceeds 59 degrees. In no case, however, should the wet bulb temperature exceed 78 degrees.

3. Carbon Dioxide.—The carbon dioxide in occupied rooms in all classes of buildings should not at any time exceed 10 parts in 10,000 volumes of air in any part of the occupied spaces of the rooms.

4. Dust.—The dust particles in the air of occupied rooms in all classes of buildings should not exceed 1,000,000 per cubic foot, or .004 (4 milligrams per 100 cubic feet).
5. Bacteria.—The bacteria content should not exceed 100 per cubic foot.
6. Odors.—The air of occupied rooms of all classes of buildings should be free from objectionable odors, which may be detected by persons entering the room from the outside air, whether the odors are of human origin or otherwise.

Adopted by the Board of Health December 11, 1917.

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